ENVIRONMENTAL INTEGRITY PROJECT

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April 29, 2016

Michael Manley
Executive Vice-President of Global Operations; Chief Executive Officer
Erachem Comilog, Inc.
610 Pittman Road
Baltimore, MD 21226

Jean-Marie Gratien
Plant Manager
Erachem Comilog, Inc.
610 Pittman Road
Baltimore, MD 21226

Bryan Jenkins
Engineering Manager
610 Pittman Road
Baltimore, MD 21226

Via Certified Mail – Return Receipt Requested

Re: Notice of Intent to Sue Erachem Comilog Inc. for Clean Water Act Violations at the Erachem Comilog, Inc. Facility in Baltimore, Maryland

Dear Mr. Manley, Ms. Gratien, and Mr. Jenkins,

The Environmental Integrity Project (EIP) writes on behalf of Blue Water Baltimore and its members to provide notice of their intent to file suit against Erachem Comilog, Inc. ("Erachem") for significant and ongoing violations of the Clean Water Act (CWA), 33 U.S.C. § 1251 et seq., and Maryland's Water Pollution Control Law, Md. Ann. Code art. Environment, § 9-301 et seq., at Erachem's manganese ore refining facility located at 610 Pittman Road, Baltimore, MD 21226 (Facility), which Erachem owns and operates.

As explained more fully below, Erachem has continuously failed to accurately monitor and report its Total Nitrogen (TN) loadings, placing it in significant violation of the CWA and Maryland's Water Pollution Control Law. The U.S. Environmental Protection Agency's (EPA's) 2014 Toxic Release Inventory lists Erachem as the largest discharger of toxic waste to Maryland's waterways. As accurate monitoring and reporting is necessary to ensure that Erachem is meeting the Facility's permitted effluent limitations, these violations are directly traceable to, have injured and will continue to injure or threaten to injure the health, environmental, aesthetic, and economic interests of Blue Water Baltimore and its members. Correction of these ongoing

violations through remedies (including corrective action and payment of penalties) will redress these injuries or risks.

Citizens are entitled to bring suit against "any person...alleged to be in violation" of an "effluent standard or limitation." 33 U.S.C. § 1365(a)(1). As a "permit condition thereof issued under [33 U.S.C. § 1342]," the NPDES Permit is an "effluent standard or limitation" as defined by Section 505(f)(6) of the CWA, 33 U.S.C. 1366(f)(6). Moreover, as much as $37,500 can be imposed per day for each violation of permit limits or conditions, including monitoring and reporting errors, under the CWA. 33 U.S.C. § 1319(d).[1] In accordance with Section 505(b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A), this letter serves to notify Erachem that Blue Water Baltimore intends to file suit for violations of the CWA, unless corrected, in U.S. District Court for the District of Maryland at any time beginning 60 days after the postmarked date of this letter. 40 C.F.R. § 135.2(c).

I. BACKGROUND

Erachem's Facility is currently authorized to discharge wastewater under NPDES Permit No. MD0001775 and State Discharge Permit No. 06-DP-0[illegible]72 ("Permit"), effective September 1, 2010, pursuant to section 402 of the CWA, 33 U.S.C. § 1342(b).[2] The Permit expired on August 31, 2015, but the Maryland Department of the Environment (MDE) has administratively extended its coverage.

The Facility is authorized to discharge cooling tower blowdown, once through cooling water, process wastewater (from the production of manganese dioxide, manganese chloride, manganese nitrate, manganous manganic oxide, manganese nitride, manganese sesquioxide, and manganese oxide), boiler blowdown, and treated stormwater via Outfall 001 into Arundel Cove and Curtis Creek, according to the Permit. Arundel Cove is a tributary of Curtis Creek, which drains into the Patapsco River.[3] Arundel Cove and Curtis Creek are categorized as Use II waters and protected for water contact recreation, fishing, aquatic life, and wildlife.[4] These waterways, which are impaired, in part, for nutrients such as nitrogen, are included under the Baltimore Harbor Total Maximum Daily Load (TMDL).[5]

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[1] *See also* 40 C.F.R. § 19.4 (Civil Monetary Penalty Inflation Adjustment).
[2] *See* Permit, attached hereto as Attachment A.
[3] *See id.*
[4] MD Code Regs. 26.08.02.02; 26.08.02.08.
[5] *See* Baltimore Harbor TMDL, *accessible at* http://www.mde.state.md.us/programs/Water/TMDL/ApprovedFinalTMDLs/Pages/Programs/WaterPrograms/TMDL/approvedfinaltmdl/tmdl_final_baltimoreharbor_nutrient.aspx.

The Permit requires Erachem to:

1. Report the monthly discharge of Flow and Total Phosphorus
2. Report the monthly average loading of Total Nitrogen (TN) as pounds per month and the daily maximum loading of TN as pounds per day.
3. Report and adhere to monthly averages and daily maximum limitations for:
    a. Total Manganese (a monthly average of 5.0 mg/l and a daily maximum of 10 mg/l)
    b. Total Suspended Solids (a monthly average of 25 mg/l and daily maximum of 50 mg/l)
    c. Total Copper (a monthly average of 0.047 mg/l and daily maximum of 0.047 mg/l)
    d. Total Nickel (a monthly average of 0.0125 mg/l and daily maximum of 0.578 mg/l)
4. Report and adhere to minimum and maximum pH levels of 6.0 and 9.0, respectively[6]
5. Submit quarterly Whole Effluent Toxicity (WET) tests
6. Report and adhere to a daily maximum effluent limitation of 4.6 TU_a for Acute Toxicity[7], and
7. Report and adhere to an Annual Maximum Loading Rate limit for TN of 13,800 lbs/yr, effective September 1, 2013.[8]

The Annual Maximum Loading Rate is calculated and reported on the monthly Discharge Monitoring Reports (DMRs) as the sum of the monthly loading rates from January to December of the current calendar year, in pounds per year.[9]

Records have been obtained showing chronic, ongoing, and significant monitoring and reporting violations at the Facility.

A. Facts Pertaining to Erachem's Reporting Violations

MDE site inspection reports from June 12, 2015 and June 24, 2015 and multiple MDE file reviews conducted by EIP document that DMRs submitted by Erachem to MDE have been

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[6] *See* Attachment A: Permit, I. Special Conditions, A. Effluent Limitations and Monitoring Requirements.
[7] *See id.*
[8] *See id.*
[9] *See id.*

inaccurate since at least January 2013.[10] More specifically, Erachem has submitted at least three different versions of DMRs from January 2013 to September 2015[11] and at least two different versions of DMRs from October 2015 to December 2015.[12] The submission of multiple revised DMRs establishes the continuing nature of these reporting errors.

It is unclear whether any of the DMRs submitted by Erachem to MDE from January 2013 through December 2015 are accurate because Erachem, as explained more fully below, has also acknowledged monitoring laboratory errors. Monitoring errors can and often do lead to inaccurate monitoring results.

B. Facts Pertaining to Erachem's Monitoring Violations

The aforementioned reporting violations may be explained by the fact that Erachem has also experienced monitoring errors and irregularities, which have occurred since at least October 2013. During a July 1, 2014 site inspection, MDE performed a record review that revealed at least three separate weeks where Erachem used samples that exceeded the maximum sample holding time[13] required to ensure accurate analysis for nitrite and nitrate (the weeks of October 23, 2013; October 30, 2013; and January 24, 2014).[14]

MDE did not review Erachem's compliance with monitoring requirements during subsequent site inspections performed after the July 1, 2014 site inspection.[15] However, MDE's

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[10] *See* MDE's Site Inspection Report (June 12, 2015), attached hereto as Attachment B; *see also* MDE's Site Inspection Report (June 24, 2015), attached hereto as Attachment C.

[11] EIP obtained Erachem's DMRs for the time period from December 2013 to February 2015 during a May 15, 2015 file review (note: DMRs from January 2012 to February 2015 were requested) (DMR Version No. 1). EIP obtained a second, set of DMRs for the time period from January 2013 to December 2014 with different values obtained from a Nov. 16, 2015 file review. At this time, MDE informed EIP that revised 2015 DMRs were received and under review (DMR Version No. 2). EIP obtained a third set of DMRs for the time period from January 2013 to September 2015 obtained via Email from MDE on Nov. 19, 2015 (Version No. 3).

[12] *See* MDE's Site Inspection Report (Feb. 3, 2016), attached hereto as Attachment D.

[13] The maximum sample holding times to accurately analyze nitrate and nitrite is 48 hours. *See* Title 40 CFR Part 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants*.

[14] *See* MDE's Site Inspection Report (July 1, 2014), attached hereto as Attachment E.

[15] *See* Attachment B: MDE's Site Inspection Report (June 12, 2015) in which MDE lists "Not Evaluated" as the status of Inspection Items No. 24, 25, and 30; *see also* Attachment C: MDE's Site Inspection Report (June 24, 2015) in which MDE lists "Not Evaluated" as the status of Inspection Items No. 24, 25, and 30; MDE's Site Inspection Report (Sep. 8, 2015) ("No records were reviewed on this date."), attached hereto as Attachment F; Attachment D: MDE's Site Inspection Report (Feb. 3, 2016).

February 3, 2016 Site Inspection Report documents that Erachem's monitoring irregularities have not been resolved.[16]

II. VIOLATIONS OF THE CLEAN WATER ACT AND MARYLAND'S WATER POLLUTION CONTROL LAW

A. Failure to Accurately Report and Calculate the Monthly Loading Rate for TN and the Year-to-Date Annual Maximum Loading Rate for TN.

The Permit requires Erachem to report accurately and calculate accurately the Monthly Loading Rate of TN on its monthly DMRs.[17] The Permit also requires Erachem to report and calculate accurately the year-to-date Annual Maximum Loading Rate for TN as the sum of the Monthly Loading Rates. To determine the monthly loading of TN, the Permit requires Erachem to calculate the sum of the weekly TN values. To calculate the weekly loading of TN, Erachem must multiple (1) the Facility's flow (measured once per week) against (2) the Facility's concentration of TN (determined once per week based on a 24-hour composite sample).[18]

Erachem has been inaccurately calculating and/or reporting its TN loadings since at least January 2013.[19] These inaccuracies are substantial, chronic, and often blatant. For example, Erachem is required to report year-to-date TN loads, starting in January of each calendar year, in addition to reporting the monthly TN loads. Every January, the reported year-to-date TN discharge should be identical to the reported monthly TN discharge. However, Erachem originally submitted substantially different numeric values for these two reporting requirements. **Table 1** compares Erachem's monthly and year-to-date TN discharges from January 2014 and January 2015 reported originally and in a subsequent revision.

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[16] *Id.* Despite Erachem's acknowledgement of ongoing monitoring issues, the MDE inspector noted in the inspection report that "no DMRs, MORs, or lab sheets were reviewed on this date."
[17] *See* Permit, I. Special Conditions, A. Effluent Limitations and Monitoring Requirements, Note. 3.
[18] *See* Letter from MDE to Erachem (Aug. 20, 2015), attached hereto as Attachment G:
[19] *See* note 4; *see also* Attachment B: MDE's Site Inspection Report (June 12, 2015); Attachment C: MDE's Site Inspection Report (June 24, 2015).

Table 1. Comparison of Monthly and Year-to-Date TN Load for January 2014 and January 2015[20]

Month-Year	Originally Reported Monthly TN Load	Revised Monthly TN Load	Originally Reported Year-to-Date TN Load	Revised Year-to-Date TN Load
JAN 2014	25,470	25,470	50,940	25,470
JAN 2015	20,938	26,172	41,876	26,172

MDE first documented MDE's awareness of these chronic calculation and reporting errors in a June 2015 Site Inspection Report and EIP's reviews of MDE files confirm multiple submissions of DMRs.[21] Erachem has submitted at least three versions of DMRs from January 2013 to September 2015 and at least two versions of DMRs from October 2015 to December 2015.[22]

Given the monitoring errors described above and set forth in more detail in Subpart B, below, there is no evidence indicating that the latest DMRs submitted by Erachem are accurate.

For 62 months between January 2013 and February 2016, Erachem failed to accurately calculate and/or report the Monthly Loading Rate for TN and/or the Annual Maximum Loading Rate for TN. Failure to accurately calculate and reportthe Facility's discharges of TN or the Annual Maximum Loading Rate for TN makes compliance monitoring more difficult. Erachem's multiple DMR revisions and continuous reporting errors show that Erachem has not corrected its significant and long-standing calculation and/or reporting violations for past due DMRs and as explained below, has not corrected the monitoring errors which could cause continued inaccuracies in DMR submittals. Each day of each month during which the reporting errors occurred and were not corrected is a separate violation subject to a penalty of up to $37,500.

B. Failure to Use Representative Sampling in Monitoring Effluent for Required Parameters.

Erachem's chronic reporting errors may be linked to the Facility's failure to accurately monitor its effluent discharges. The Permit requires Erachem to monitor and test its effluent for individual concentrations of the different forms of nitrogen – organic nitrogen, ammonia, nitrate,

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[20] Data from DMRs acquired from a May 15, 2015 file review and electronically from MDE on Nov. 19, 2015.
[21] *See id.*
[22] *See* note 4.

and nitrite – using analytical and sampling methods that conform to EPA's "Guidelines Establishing Test Procedures for the Analysis of Pollutants," which are identified in Title 40 CFR Part 136 (hereinafter "EPA's Guidelines").[23] In EPA's Guidelines, a sample used to test for nitrate or nitrite must not be held longer than 48 hours before testing. If tests are performed on samples that exceed the maximum holding time for analysis, the results could lead to an under detection, and thus underreporting, of pollutants in a Facility's discharges.

During a July 1, 2014 site inspection, MDE identified at least three separate weeks where Erachem had used samples that exceeded the sample holding time to accurately analyze for nitrite (the weeks of October 23, 2013; October 30, 2013; and January 24, 2014).[24] Additionally, since the Permit states that "[t]esting for all forms of nitrogen must be performed on the same sample," and because sampling of both nitrite and nitrate have maximum holding times of 48 hours, it is clear that Erachem also exceeded the allowable holding time for nitrate sampling during those three weeks. Therefore, Erachem has failed to accurately monitor its effluent for nitrate and nitrite. Moreover, there is no indication, based on review of publicly available MDE records, that Erachem has corrected these monitoring errors.

In addition to Erachem's repeated reporting errors, the Facility's repeated revisions of its nitrate concentrations provide further proof that Erachem's monitoring errors have continued. For example, **Table 2** shows Erachem has reported three distinct values for its November 2015 monthly nitrate concentration.

Table 2. November 2015 Nitrate Concentrations Reported by Erachem

Version No.	Reported Total Nitrate Concentration (mg/l)	Date Reported
1	880	Dec. 18, 2015[25]
2	32	Feb. 3, 2016[26]
3	160	Feb. 3, 2016[27]

Failure to use representative samples in monitoring effluent is a monitoring violation that makes compliance more difficult, especially since Erachem's TN loadings are composed mostly of nitrate. These monitoring violations prevent Erachem from calculating and reporting accurate

[23] *See* Permit, II. General Conditions, 3. Sampling and Analysis Methods.
[24] *See* Attachment E: MDE's Site Inspection Report (July 1, 2014).
[25] Data obtained from EPA's ECHO Database (accessed Jan. 26, 2016).
[26] *See* Attachment D: MDE's Site Inspection Report (Feb. 3, 2016).
[27] Data obtained from revised November 2015 DMR received during a March 15, 2016 file review.

TN loadings and concentrations. Each day of each month during which these monitoring errors occurred is a separate violation and is subject to a penalty of up to $37,500.

III. PARTIES GIVING NOTICE

Blue Water Baltimore is a nonprofit organization with offices located at 3545 Belair Road, Baltimore, MD 21213 and the main phone number is (410) 254-1577. Baltimore Harbor Waterkeeper, a program of Blue Water Baltimore, is responsible for protecting the Patapsco River and Back River watersheds, including all of the neighborhood streams and rivers that discharge into the Patapsco and Back Rivers. Blue Water Baltimore represents members who use these rivers for recreation and who actively support Blue Water Baltimore's collective efforts to protect Baltimore's waterways. Blue Water Baltimore's mission is to protect and restore Baltimore Harbor and the greater Patapsco and Back Rivers and their tributaries through enforcement, fieldwork, and citizen action in order to make these waterways suitable for recreation (including fishing and swimming), to improve public health, and to improve the health of the aquatic ecosystems.

Blue Water Baltimore is represented by the Environmental Integrity Project (EIP), a nonprofit law firm located at 1000 Vermont Avenue NW, Suite 1100, Washington, DC 20005 and whose main phone number is (202) 296-8800.

The activities at the Erachem Facility located at 610 Pittman Road, Baltimore, MD 21226 have negatively affected the Patapsco River and the surrounding Chesapeake Bay watershed by polluting these waterways. The Patapsco River and the entire Chesapeake Bay are impaired for nitrogen, among other pollutants, and under TMDLs to address the chronic degradation and restore the quality of these waters. Accurate monitoring and reporting is necessary to ensure that Erachem is complying with its permitted effluent limits.[28]

IV. CONCLUSION

Erachem has violated and is currently violating the CWA at its Facility located at 610 Pittman Road, Baltimore, MD 21226. We believe that Erachem will continue its monitoring and reporting violations due to the high number and repetitive nature of these violations. Accordingly, EIP intends to file suit on behalf of Blue Water Baltimore to abate the aforementioned violations, ensure future compliance with the CWA, obtain civil penalties, recover attorneys' fees and costs of litigation, and obtain other appropriate relief.

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[28] U.S. Environmental Protection Agency, Chesapeake Bay TMDL Fact Sheet (July 2015), *available at* http://www.epa.gov/sites/production/files/2015-07/documents/bay_tmdl_fact_sheet.pdf.

If you have any questions regarding the allegations in this notice or believe any of the foregoing information may be in error, please contact Sylvia Lam at the phone number or email address listed below. We would also welcome an opportunity to discuss a resolution of this matter prior to the initiation of litigation if you are prepared to remedy the violations discussed above.

Sincerely,

Sylvia Lam
Attorney
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005
(202) 888-2701
slam@environmentalintegrity.org

Counsel for Blue Water Baltimore

cc:

Corporation Service Company
Registered Agent for Erachem Comilog, Inc.
7 St. Paul Street, Suite 820
Baltimore, MD 21202

Via Certified Mail, Return Receipt Requested

The Hon. Gina McCarthy
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Office of the Administrator, Mail Code 1101A
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Via Certified Mail, Return Receipt Requested

Shawn M. Garvin
Regional Administrator
U.S. Environmental Protection Agency, Region 3
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Via Certified Mail, Return Receipt Requested

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1800 Washington Blvd.
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Via Certified Mail, Return Receipt Requested

Lynn Y. Buhl
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Maryland Department of the Environment
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Via Certified Mail, Return Receipt Requested

Sent via electronic mail only.

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NOTICE OF INTENT TO SUE ERACHEM COMILOG, INC.
ON BEHALF OF BLUE WATER BALTIMORE

INDEX OF ATTACHMENTS

ATTACHMENT	**Title/Description**
A	Erachem NPDES Permit No. MD0001775
B	MDE Site Inspection Report (June 12, 2015)
C	MDE Site Inspection Report (June 24, 2015)
D	MDE Site Inspection Report (February 3, 2016)
E	MDE Site Inspection Report (July 1, 2014)
F	MDE Site Inspection Report (September 8, 2015)
G	Letter from MDE to Erachem (August 20, 2015)

ATTACHMENT A

MDE
MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard • Baltimore MD 21230
410-537-3000 • 1-800-633-6101

Martin O'Malley
Governor

Anthony G. Brown
Lieutenant Governor

Shari T. Wilson
Secretary

Robert M. Summers, Ph.D.
Deputy Secretary

STATE DISCHARGE PERMIT NUMBER	06-DP-0272	NPDES PERMIT NUMBER	MD0001775
EFFECTIVE DATE	September 1, 2010	EXPIRATION DATE	August 31, 2015
MODIFICATION DATE:	N/A	REAPPLICATION DATE	August 31, 2014

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq. and implementing regulations 40 CFR Parts 122, 123, 124, and 125, the Department of the Environment, hereinafter referred to as the "Department," hereby authorizes

Erachem Comilog, Inc.
610 Pittman Road
Baltimore, Maryland 21226

TO DISCHARGE FROM

a manganese ore refining facility

LOCATED AT

610 Pittman Road in Anne Arundel County, near Baltimore, Maryland 21226

VIA OUTFALL

001 as identified and described herein and from facility areas identified in the storm water pollution prevention plan referenced herein

TO

Arundel Cove and Curtis Creek which are protected for (Use II) water contact recreation, fishing, aquatic life, and wildlife in accordance with the following special and general conditions and maps made a part hereof.

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the effective period of this permit, the permittee is authorized to discharge cooling tower blowdown, once through cooling water, process wastewater (from the production of manganese dioxide, manganese chloride, manganese nitrate, manganous manganic oxide, manganese nitride, manganese sesquioxide and manganous oxide), boiler blowdown and storm water via Outfall 001 (Maryland Coordinates 925.3 E and 496.4 N).

As specified below, such discharge shall be limited and monitored by the permittee at the sample tap next to the sand filter.

PARAMETER	QUANTITY OR LOADING				QUALITY OR CONCENTRATION				FREQUENCY OF ANALYSIS	SAMPLE TYPE	NOTES
	MONTHLY AVERAGE	DAILY MAXIMUM	ANNUAL MAXIMUM	UNITS	MINIMUM	MONTHLY AVERAGE	DAILY MAXIMUM	UNITS			
Flow	Report	Report		mgd					1/Week	Measured	
Total Manganese						5.0	10.0	mg/l	1/Week	24-Hr. Composite	(1)
Total Suspended Solids (TSS)						25	50	mg/l	1/Week	24-Hr. Composite	(1)
Total Copper						0.047	.047	mg/l	1/Month	24-Hr. Composite	(1), (2)
Total Nickel						0.125	.578	mg/l	1/Month	24-Hr. Composite	(1), (2)
Total Phosphorus							Report	mg/l	1/Quarter	24-Hr. Composite	(1)
Total Nitrogen Loading Rate	Report [3] (lbs/month)	Report [3] (lbs/day)	13,800 [3] (lbs/yr)	See Notes		Report	Report	mg/l	1/Week	24-Hr. Composite	(1), (3) (7)
Acute Toxicity							4.6	TU_a	1/Quarter	24-Hr. Composite	(1), (5)
pH					6.0		9.0		Recorded	Continuous	(6)

There shall be no discharge of floating solids or persistent foam in other than trace amounts. Persistent foam is foam that does not dissipate within one half-hour of point of discharge.

(1) As an alternative to a 24-hour composite sample, the permittee may report the results from a combination of three individual grab samples of constant volume obtained at least two hours apart over a 24-hour period.

(2) This limitation is a quarterly average.

I. SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS– Continued from previous page

(3) Individual concentrations of organic nitrogen, ammonia, nitrate and nitrite shall also be reported. Testing for all forms of nitrogen must be performed on the same sample.

The limitation is an Annual Maximum Loading Rate and shall become effective three years after the effective date of the permit. The first exceedance of the permit limit shall be counted and reported as daily exceedances beginning from the first exceedance, determined to the nearest day, through December 31. In addition, after any such exceedance, the permittee shall demonstrate to the Department's satisfaction that the facility is optimizing its nutrient control capability, and neither the arrival of the next calendar year nor the issuance of a permit renewal during a period of noncompliance shall obviate continuance of any noncompliance status related to treatment optimization requirements.

The permittee shall report the monthly average loading as pounds/month, daily maximum loading as pounds/day, and annual maximum loading as pounds/year. The Annual Maximum Loading Rate is a calculated parameter to be reported monthly as the sum of the Monthly Loading Rates from January through December of the current calendar year. At the end of each calendar year, the permittee shall report, and comply with the above loading limit.

The details and results of the required annual calculations shall be submitted to the Department's Compliance Program with the Discharge Monitoring Report for December.

(4) [Reserved]

(5) TU_a is defined as 100 divided by the LC_{50} value resulting from 48 hours of a valid acute toxicity test. Compliance with the LC_{50} requirement shall be determined through testing performed in accordance with Special Condition K. Sampling for toxicity tests shall be performed at the outlet of the diffuser feed tank.

(6) Excursions to this range are allowed as provided by 40 CFR Part 401.17 as follows:
a) the total duration of all excursions in any calendar month shall not exceed 7 hours and 26 minutes; and
b) no excursion shall last for more than 60 minutes.

(7) The limit is consistent with both the annual and growing season allocations of the "Total Maximum Daily Loads of Nitrogen and Phosphorus for the Baltimore Harbor in Anne Arundel, Baltimore, Carroll and Howard Counties and Baltimore City, Maryland" Approved Date: December 17, 2007.

I. SPECIAL CONDITIONS

B. DEFINITIONS

1. "Bypass" means the intentional diversion of wastes from any portion of a treatment facility.

2. "Composite sample" means a combination of individual samples obtained at least at hourly intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.

3. "Daily determination of concentration" means one analysis performed on any given sample representing flow during a calendar day, with one number in mg/l or other appropriate units as an outcome.

4. The "daily maximum" effluent concentration means the highest reading of any daily determination of concentration.

5. "Estimated" flow means a calculated volume or discharge rate which is based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.

6. "Grab sample" means an individual sample collected in less than 15 minutes. Grab samples collected for pH and total residual chlorine shall be analyzed within 15 minutes of time of sample collection.

7. "Measured" flow means any method of liquid volume measurement the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

8. The "minimum" value means the lowest value measured during a 24-hour period.

9. The "monthly, quarterly, semi-annual, or annual average" effluent concentration means the value calculated by computing the arithmetic mean of all the daily determinations of concentration made during any calendar-month, 3-month, 6-month, or 12-month period respectively.

10. "Recorded" flow, pH, temperature, etc., means any method of providing a permanent, continuous record including, but not limited to, circular and strip charts.

11. "Total Nitrogen" means the sum of organic nitrogen, ammonia nitrogen (as N), nitrate, and nitrite.

12. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

C. TOXIC POLLUTANT REPORTING

The permittee shall notify the Department as soon as it is known or suspected that any toxic pollutants which are not specifically limited by this permit have been discharged at levels specified in 40 CFR Part 122.42(a).

D. REMOVED SUBSTANCES

1. Within 30 days after notification by the Department, the permittee shall provide information on the disposal of any removed substances, as defined by General Condition B.7, including the following information:

   a. A suitable map showing all areas used for disposal of removed substances.

   b. The physical, chemical, and biological characteristics, as appropriate; quantities of any removed substances; and the method of disposal.

   c. If disposal is handled by persons other than the permittee, identification of the contractor or subcontractor, their mailing address, and the information specified in a and b above.

2. The Department's notification may also require the permittee to provide the above information prior to the use of new or additional disposal areas, contractors, or subcontractors.

E. ANALYTICAL LABORATORY

Within 30 days after the effective date of this permit, the permittee shall submit to the Department the name and address of the analytical laboratory (including the permittee's own laboratory) which is used to perform the monitoring required by this permit.

If the laboratory changes during the effective period of this permit, the permittee shall notify the Department of the new laboratory within 30 days after the change.

F. WASTEWATER OPERATOR CERTIFICATION

As of the effective date of this permit, the permittee's facility shall be operated by an industrial wastewater operator duly certified by the Maryland Board of Waterworks and Waste Systems Operators. Certification shall be for operation of a Class 6 industrial wastewater works, unless the Board determines that a different classification is appropriate. At no time during the effective period of this permit shall the treatment facilities be operated for more than two months without a certified operator.

G. FLOW MONITORING

In lieu of providing measured flow at Outfall(s) 001 (defined in the Special Conditions Definitions section), the permittee may estimate flows and submit the following information at the time of submission of the initial discharge monitoring report and/or upon any change in the methodology:

1. a description of the methodology used to estimate flow at each outfall where flow measurement equipment is not present;

2. documentation appropriate to the methodology utilized which provides information necessary to support the validity of the reported flow estimate. If actual measurements or observations are made, a description of typical sampling times, locations, and persons performing the measurements/observations should also be provided.

3. a description of the factors (e.g., batch discharges, intermittent operation, etc.) which cause flow at the outfall to fluctuate significantly from the estimate provided.

H. FLOW BASIS FOR ANNUAL DISCHARGE PERMIT FEE

The Department will calculate permit fees annually and will invoice the permittee based upon average discharge flow. Permit fees are payable in advance to the Department by July 1 of each fiscal year (July 1 through June 30).

The permittee shall provide to the Department's Industrial Discharge Permits Division by May 1 of each year an updated average discharge flow value for the next billing period if the flow volume used to calculate the most recent annual permit fee (or, if the permit was renewed within the past year, the flow volume used to calculate the application fee) differs significantly from either of the following flow determinations:

1. average flow data from the current fiscal year as reported on the permittee's discharge monitoring reports, or

2. the estimated flow volume for the next billing period based upon recent changes at the facility.

The permittee shall include with their flow revision notification a summary of flow data reported on discharge monitoring reports for the previous year and any other supporting documentation to be used as the basis for the flow determination.

I. REAPPLICATION FOR A PERMIT

The Department is implementing a schedule for issuance of discharge permits grouped by geographical areas (watersheds). To implement the watershed-based schedule, the Department may revoke and reissue this permit concurrently with other permits in the watershed.

Unless the Department grants permission for a later date, the permittee shall submit a renewal application by no later than 12 months prior to the expiration date on the first page of this permit, or notify the Department of the intent to cease discharging by the expiration date.

In the event that a timely and sufficient reapplication has been submitted and the Department is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

J. PERMIT REOPENER FOR TOTAL MAXIMUM DAILY LOAD (TMDL)

This permit may be reopened as a major modification to implement any applicable requirements associated with a Total Maximum Daily Load (TMDL) issued or approved for this watershed (Curtis Creek, 02.13.09.03), including but not limited to: nutrients, suspended sediments, zinc and PCBs.

K. BIOMONITORING PROGRAM

1. The permittee shall perform quarterly testing to evaluate wastewater toxicity at Outfall 001 by using biomonitoring.

2. The testing program shall be conform with the following requirements:

   a. Each of the testing events shall include a 48-hour static renewal test using fathead minnow and a 48-hour static renewal test using a daphnid species.

   b. If the receiving water is estuarine the permittee may substitute estuarine species for those species specified above. Approved estuarine species for acute testing are sheepshead minnows, silversides, grass shrimp, and mysid shrimp. In all cases, testing must include one vertebrate species and one invertebrate species.

3. The samples used for biomonitoring shall be collected at the same time and location as the samples analyzed for the effluent limitations and monitoring requirements for this outfall. For chlorinated effluents, samples shall be collected after dechlorination.

4. Testing shall be conducted in accordance with the procedures described in Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, EPA-821-R-02-012, October 2002.

5. Test results shall be submitted to the Department within one month of completion of each set of tests.

6. Test results shall be reported in accordance with MDE/WMA "Reporting Requirements for Effluent Biomonitoring Data," 3/21/03.

7. If testing is not performed in accordance with MDE-approved study plan, additional testing shall be required by the Department.

8. If the test results of any two consecutive valid toxicity tests conducted within any 12-month period show acute toxicity, the permittee shall repeat the test within 30 days to confirm the findings of acute toxicity. If acute toxicity is confirmed, the permittee shall:

   a. Eliminate the source of toxicity through operational changes as soon as possible but in any case not longer than within three months, or

   b. Perform a TRE. If the permittee repeats the toxicity testing as stated above and the results of the repeat test do not confirm the acute toxicity, the Department will require the permittee to repeat the toxicity testing as stated above to reconfirm a finding of no acute toxicity. After reconfirmation, the permittee shall complete any remaining quarterly testing required.

9. If plant processes or operations change so that there is a significant change in the nature of the wastewater, the Department may require the permittee to conduct a new set of tests.

10. Submit all Biomonitoring related materials to:

Maryland Department of the Environment
Water Management Administration

Compliance Program
1800 Washington Boulevard, Suite 420
Baltimore, Maryland 21230-1708

L. TOXICITY REDUCTION EVALUATION

The permittee shall conduct a Toxicity Reduction Evaluation (TRE) when a review of toxicity test data by the Department indicates unacceptable acute or chronic effluent toxicity. A TRE is an investigation conducted to identify the causative agents of effluent toxicity, isolate the source(s), determine the effectiveness of control options, implement the necessary control measures and then confirm the reduction in toxicity.

1. Within 90 days following notification by the Department that a TRE is required, the permittee shall submit a plan of study and schedule for conducting a TRE. The permittee shall conduct the TRE study consistent with the submitted plan and schedule.

2. This plan should follow the framework presented in Generalized Methods for Conducting Industrial Toxicity Reduction Evaluations (EPA/600/2-88/070).

3. Beginning 60 days following the date of the Department's acceptance of the TRE study plan and every 60 days thereafter, the permittee shall submit progress reports including all relevant test data to the Department. This shall continue until completion of the toxicity reduction confirmation.

4. Within 60 days following completion of the toxicity identification, or the source identification phase of the TRE, the permittee shall submit to the Department a plan and schedule for implementing those measures necessary to eliminate acute toxicity and/or reduce chronic toxicity to acceptable levels. The implementation of these measures shall begin immediately upon submission of this plan.

5. Within 60 days after completing implementation of the control measures to eliminate or reduce toxicity, the permittee shall submit to the Department for approval a study plan to confirm the elimination or reduction of toxicity by using biomonitoring.

6. If, for any reason, the implemented measures do not result in compliance with the Department's toxicity limitations, the permittee shall continue the TRE.

M. MIXING ZONES AND POLLUTION PREVENTION

The "Chesapeake 2000 Bay Agreement" includes the following goal:

> ***"Through continual improvement of pollution measures and other voluntary means, strive for zero release of chemical contaminants from point sources, ... Particular emphasis shall be placed on achieving, elimination of mixing zones for persistent or bioaccumulative toxics."***

To support this goal, the permittee shall strive to meet water quality standards for toxic substances (including copper and nickel) at the point of discharge through continual improvement of pollution prevention measures and other means. Annually, the permittee shall report to the Department on progress toward meeting the objective annually of elimination of mixing zones for persistent or bioaccumulative toxics.

N. PROTECTION OF WATER QUALITY

It is a violation of this permit to discharge any substance not otherwise listed under the permit's "Effluent Limitations and Monitoring Requirements" special conditions at a level which would cause or contribute to any exceedance of the numerical water quality standards in COMAR 26.08.02.03 unless the level and the substance were disclosed in writing in the permit application prior to the issuance of the permit. If a discharge regulated by this permit causes or contributes to an exceedance of the water quality standards in COMAR 26.08.02.03, including but not limited to the general water quality standards, the Department is authorized to exercise its powers to modify, suspend or revoke this permit.

O. ADDITIONAL MONITORING - [Reserved]

P. GROUND WATER REQUIREMENTS

1. The permittee shall perform annual sampling of monitoring wells C-1 through C-8 for pH, nitrates, manganese, total dissolved solids, chlorides and sulfates. Monitoring results shall be submitted to the Industrial Discharge Permit Division within 30 days of obtaining sample results.

2. The permittee shall perform pumping tests to evaluate the hydraulic conductivity in the area between the groundwater contamination and Arundel Cove. The results of this testing shall be submitted to the Department no later than 90 days after the effective date of this permit.

3. The Department may re-open the permit to address the contribution of groundwater contaminants to surface waters.

Q. AUTHORIZATION OF WATER TREATMENT CHEMICALS

1. The permittee currently uses the following water treatment products in the wastewater discharged from Outfall 001:

Product	Usage
Betz Entec 554 Corrssion Inhibitor	no restriction
Betz Entec 368 Antimicrobial Formulation	3 pounds/day
Betz Entec Potable Corrosion Inhibitor	no restriction

2. If any of the above products are found to be the cause of toxicity in the discharge, their use will be prohibited.

3. If the permittee changes any of the water treatment products or seeks to exceed the usage rates described above, before commencing the use of the new product, the permittee shall submit to the Department (Industrial Discharge Permits Division) a listing of the new products and corresponding aquatic toxicity data and the manufacturer's information on the chemical composition of the product and the concentrations that will exist in the effluent. Based on this information, if the Department determines that the new wastewater may cause toxicity, the Department may direct the permittee to perform additional biomonitoring of the wastewater.

R. DIFFUSER MAINTENANCE AND OPERATION

The permittee shall operate and maintain an effluent diffuser. The diffuser shall be capable of achieving at least a 15:1dilution at the edge of the acute mixing zone (defined in COMAR 26.08.02.05).

S. OTHER REQUIREMENTS

Gangue Storage Piles and Processing Area: The permittee is prohibited form placing any solid waste on gangue storage piles or in the gangue processing area except for treated gangue and non-soluble/leachable off-specification product. Non-soluble and non-leachable, off-specification product shall mean chemical compounds or mixtures of compounds that are oxides of manganese, such as manganese dioxide, manganese sesquioxide, manganous manganic oxide, and manganous oxide. Specifically excluded are manganese salts such as manganese chloride, manganese sulfate and manganese nitrate.

T. BEST MANAGEMENT PRACTICES

The permittee shall implement a Best Management Practices (BMPs) program. The BMPs plan shall include, but is not limited to, treatment requirements, operation and maintenance procedures, prohibition of activities, management practices to control spillage, leaks and slug load, so as to prevent or reduce the contribution of pollutants to the waters of the State. The BMPs plan shall specifically address:

1. Identification and containment of raw material, process solutions and streams and waste material which can bypass the wastewater system with emphasis on areas with soluble manganese;

2. Containment of nitrate leach tank to prevent discharge in the event of a spill or overflow;

3. Installation of storage capacity for the nitrate bleed wastestream to allow for re-use or disposal; and

4. Containment for acid storage tanks.

At the discretion of the permittee, the BMPs plan may be consolidated into a single document with the Storm Water Prevention Plan.

U. STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY

1. Storm Water Pollution Prevention Plans - General

The permittee shall have and implement a storm water pollution prevention plan beginning on the effective date of this permit. The storm water pollution prevention plan shall be prepared in accordance with sound engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility.

In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

a. In developing this plan, the permittee may use as a reference "Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices" (EPA Document #EPA832-R-92-006) or the "Summary Guidance" (EPA Document #EPA833-R-92-002). These documents can be obtained from the EPA Clearinghouse (phone: 1-800-490-9198) or the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 (phone: 703-605-6000).

b. The plan shall be signed in accordance with Part II.C.18 of this permit, and be retained on site in accordance with Part II.C.1 of this permit. The permittee shall make plans available upon request to the Department, and in the case of a storm water discharge associated with industrial activity which discharges to a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

c. If the plan is reviewed by the Department, the Department will notify the permittee, at any time, that the plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the plan to meet the objections of the Department and shall submit to the Department a written certification that the requested changes have been made and implemented. Unless otherwise provided by the Department, the permittee shall have 90 days after such notification to make the necessary changes.

d. The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance which creates a potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the plan may be reviewed by the Department as described above.

2. Storm Water Pollution Prevention Plan - Contents

The plan shall include, at a minimum, the following items:

a. Each plan shall provide a description of potential sources which may be reasonably expected to add pollutants to storm water discharges. Each plan shall identify all activities and materials which may potentially be significant pollutant sources. Each plan shall include:

i. A site map indicating an outline of the drainage area of each storm water outfall; each existing structural control measure to reduce pollutants in storm water runoff; and surface water bodies, including drainage ditches and wetlands.

ii. A topographic map (or other map, if a topographic map is unavailable), extending one-quarter of a mile beyond the property boundaries of the facility. The requirements of this condition may be included in the site map required above, if appropriate.

iii. A narrative description of significant materials that have been treated, stored, or disposed in a manner which allowed exposure to storm water at anytime from three years prior to obtaining coverage under this permit until the time the present method of on-site storage or disposal was initiated; materials

management practices employed to minimize contact of these materials with storm water runoff; materials loading and access areas; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

iv. For each area of the facility that generates storm water discharges associated with industrial activity with a reasonable potential for containing pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges associated with industrial activity; and

v. A summary of all existing sampling data describing pollutants in storm water discharges.

b. The permittee shall develop a description of storm water management controls appropriate for the facility, and implement such controls. The appropriateness and priorities of controls in a plan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

i. A preventive maintenance program that involves timely inspection and maintenance of storm water management devices (cleaning oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

ii. Good housekeeping that requires the maintenance of a clean, orderly facility.

iii. Spill prevention and response procedures shall be identified in the plan and made known to the appropriate personnel. The necessary equipment to implement a cleanup shall be available to the appropriate personnel.

iv. The plan shall prevent sediment and erosion by identifying areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identifying measures to limit erosion.

v. The plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the generation or source(s) of pollutants) used to divert, infiltrate, reuse, or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. The plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained. The potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity (see 2.a - description of potential pollutant sources) shall be considered when determining reasonable and appropriate measures. Appropriate measures may include: vegetative swales and practices, reuse of collected storm water (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, and wet detention/retention devices.

vi. Qualified plant personnel shall be identified to visually inspect designated equipment and plant areas. A site inspection shall be conducted annually by such personnel to verify that the description of potential pollutant sources required under 2.a is accurate, the drainage map has been updated to reflect current conditions, and the controls to reduce pollutants identified in the storm water pollution prevention plan are being implemented and are adequate. In particular, material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or follow-up procedure shall be used to ensure that each inspection results in an appropriate response.

vii. Spills or other discharge incidents, and information describing the quality and quantity of storm water discharges shall be in the facility records. Maintenance activities shall be documented and recorded with inspection and discharge records. All records shall be maintained at the facility, for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.

c. Storm water management programs may include requirements for Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the Clean Water Act or Best Management Practices (BMPs) programs otherwise required by any NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan by reference.

d. Special Requirements for Storm Water Discharges Associated with Industrial Activity to Municipal Separate Storm Sewer Systems: Facilities covered by this permit shall comply with applicable requirements in municipal storm water management programs developed under State/NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the municipal operator has notified the discharger of such conditions. These facilities shall make storm water pollution prevention plans available to the municipal operator of the system upon request.

e. Storage piles of salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation.

f. The description of the storm water Pollution Prevention Committee shall identify specific individuals within the plant organization who are responsible for developing the storm water pollution prevention plan and assisting the plant manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's storm water pollution prevention plan.

g. Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention plan. Training should address topics, such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

3. <u>Storm Water Pollution Prevention Plan - Additional Requirements For Facilities Subject To SARA Title III, Section 313 Requirements</u>

Storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 (42 U.S.C. § 11023) are required to include, in addition to the information required above, a discussion of the facility's conformance with the following (appropriate) guidelines:

a. In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

   i. Curbing, culverts, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or

   ii. Roofs, covers, liners, or other forms of appropriate protection to prevent storage piles from leaching or exposure to storm water and wind.

b. The storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines.

   i. No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage, such as pressure and temperature, etc. Liquid storage areas for Section 313 water priority chemicals shall be operated to prevent discharges of Section 313 chemicals by means such as secondary containment for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

   ii. Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to prevent discharges of Section 313 water priority chemicals by means such as the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

   iii. In plant areas where Section 313 water priority chemicals are transferred, processed or otherwise handled, piping, processing equipment and materials handling equipment shall be designed and operated so as to prevent discharges of Section 313 chemicals, and be composed of materials that are compatible with the substances handled. Additional protection, such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided, as appropriate, to control the releases.

   iv. Discharges from secondary containment areas.

      (a) Drainage from secondary containment shall be restrained by valves or other positive means to prevent a spill or other excessive leakage of Section

313 water priority chemicals into the drainage system. After a visual inspection of the storm water and determination that no product is present, containment areas may be emptied by pumps or ejectors; however, these shall be manually activated.

(b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall be of manual, open-and-close design.

(c) Records of the frequency and estimated volume (in gallons) of discharges from containment areas shall be kept at the facility for a minimum of three years.

(d) In lieu of facility drainage engineered as described above, the final discharge of all in-facility storm sewers shall be equipped with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

(e) Areas of the facility [those not addressed in paragraphs (a), (b), (c) or (d)], from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals and which could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

c. Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge or disrupt treatment. Security systems shall be described in the plan and address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

d. The storm water pollution prevention plan shall assess the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity. The plan shall include an inventory of the types of materials handled. Facilities shall include in the plan a description of releases to land or water of SARA Title III water priority chemicals that have occurred at any time after July 1, 1989. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; significant dust or particulate generating processes; and on-site waste disposal practices. Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged: the likelihood of contact with storm water; and history of significant leaks or spills of toxic or hazardous pollutants.

W. NO EXPOSURE OF POLLUTANTS TO STORM WATER–[Reserved]

II. GENERAL CONDITIONS

A. MONITORING AND REPORTING

1. REPRESENTATIVE SAMPLING

Samples and measurements taken as required herein shall be taken at such times as to be representative of the quantity and quality of the discharges during the specified monitoring periods.

2. REPORTING-MONITORING RESULTS SUBMITTED MONTHLY

Monitoring results obtained during each calendar month shall be summarized on a Discharge Monitoring Report Form (EPA No. 3320-1) and submitted to the Department postmarked no later than the 28th day of the following month. Reporting periods shall end on the last day of each month. Duplicate signed copies of the Discharge Monitoring Reports shall be submitted to:

Maryland Department of the Environment
Water Management Administration
Compliance Program
1800 Washington Boulevard, **Suite 425**
Baltimore, Maryland 21230-1708

and to

U.S. Environmental Protection Agency Region III
Office of Compliance and Enforcement
NPDES Branch (3WP31)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

3. SAMPLING AND ANALYSIS METHODS

The analytical and sampling methods used shall conform to procedures for the analysis of pollutants as identified in Title 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants" unless otherwise specified.

4. DATA RECORDING REQUIREMENTS

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

a. the exact place, date, and time of sampling or measurement;
b. the person(s) who performed the sampling or measurement;
c. the dates and times the analyses were performed;
d. the person(s) who performed the analyses;
e. the analytical techniques or methods used; and
f. the results of all required analyses.

5. MONITORING EQUIPMENT MAINTENANCE

The permittee shall periodically calibrate and perform maintenance procedures on all monitoring and analytical instrumentation to insure accuracy of measurements.

6. ADDITIONAL MONITORING BY PERMITTEE

If the permittee monitors any pollutant, using approved analytical methods as specified above, at the locations designated herein more frequently than required by this permit, the results of such monitoring, including the increased frequency, shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report form (EPA No. 3320-1).

7. RECORDS RETENTION

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and original recordings from continuous monitoring instrumentation shall be retained for a minimum of three years. This period shall be automatically extended during the course of litigation, or when requested by the Department.

B. MANAGEMENT REQUIREMENTS

1. CHANGE IN DISCHARGE

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit at a level in excess of that authorized shall constitute a violation of the terms and conditions of this permit. Anticipated facility expansions, production increases or decreases, or process modifications, which will result in new, different, or an increased discharge of pollutants, shall be reported by the permittee by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the Department. Following such notice, the permit may be modified by the Department to specify and limit any pollutants not previously limited.

2. NONCOMPLIANCE WITH EFFLUENT LIMITATIONS

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum or daily minimum effluent limitation specified in this permit, the permittee shall notify the Inspection and Compliance Program by telephone at (410) 537-3510 within 24 hours of becoming aware of the noncompliance. Within five calendar days, the permittee shall provide the Department with the following information in writing:

a. a description of the non-complying discharge including its impact upon the receiving waters;

b. cause of noncompliance;

c. anticipated time the condition of noncompliance is expected to continue or if such condition has been corrected, the duration of the period of noncompliance;

d. steps taken by the permittee to reduce and eliminate the non-complying discharge;

e. steps to be taken by the permittee to prevent recurrence of the condition of noncompliance; and

f. a description of the accelerated or additional monitoring by the permittee to determine the nature and impact of the noncomplying discharge.

3. FACILITIES OPERATION

All treatment, control and monitoring facilities, or systems installed or used by the permittee, are to be maintained in good working order and operated efficiently.

4. ADVERSE IMPACT

The permittee shall take all reasonable steps to minimize or prevent any adverse impact to waters of the State or to human health resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. BYPASSING

Any bypass of treatment facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited unless:

a. the bypass is unavoidable to prevent a loss of life, personal injury or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources;

b. there are no feasible alternatives;

c. notification is received by the Department within 24 hours (if orally notified, then followed by a written submission within five calendar days of the permittee's becoming aware of the bypass). Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten calendar days before the date of bypass or at the earliest possible date if the period of advance knowledge is less than ten calendar days; and

d. the bypass is allowed under conditions determined by the Department to be necessary to minimize adverse effects.

6. CONDITIONS NECESSARY FOR DEMONSTRATION OF AN UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;

b. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;

c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition II.B.2 above;

d. the permittee submitted, within five (5) calendar days of becoming aware of the upset, documentation to support and justify the upset; and

e. the permittee complied with any remedial measures required to minimize adverse impact.

7. REMOVED SUBSTANCES

Wastes such as solids, sludges, or other pollutants removed from or resulting from treatment or control of wastewaters, or facility operations, shall be disposed of in a manner to prevent any removed substances or runoff from such substances from entering or from being placed in a location where they may enter the waters of the State.

8. POWER FAILURE

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

a. provide an alternative power source sufficient to operate the wastewater collection and treatment facilities or,

b. halt, reduce or otherwise control production and all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater collection and treatment facilities.

C. RESPONSIBILITIES

1. RIGHT OF ENTRY

The permittee shall permit the Secretary of the Department, the Regional Administrator for the Environmental Protection Agency, or their authorized representatives, upon the presentation of credentials to:

a. enter upon the permittee's premises where an effluent source is located or where any records are required to be kept under the terms and conditions of this permit;

b. access and copy, at reasonable times, any records required to be kept under the terms and conditions of this permit;

c. inspect, at reasonable times, any monitoring equipment or monitoring method required in this permit;

d. inspect, at reasonable times, any collection, treatment, pollution management, or discharge facilities required under this permit; and

e. sample, at reasonable times, any discharge of pollutants.

2. TRANSFER OF OWNERSHIP OR CONTROL OF FACILITIES

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

a. the permittee notifies the Department in writing, of the proposed transfer;

b. a written agreement, indicating the specific date of proposed transfer of permit coverage and acknowledging responsibilities of current and new permittees for compliance with the liability for the terms and conditions of this permit, is submitted to the Department; and

c. neither the current permittee nor the new permittee receive notification from the Department, within 30 calendar days, of intent to modify, revoke, reissue or terminate the existing permit.

3. REAPPLICATION FOR A PERMIT –[Reserved]

4. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Section 308 of the Clean Water Act, 33 U.S.C. § 1318, all submitted data shall be available for public inspection at the offices of the Department and the Regional Administrator of the Environmental Protection Agency.

5. PERMIT MODIFICATION

A permit may be modified by the Department upon written request of the permittee and after notice and opportunity for a public hearing in accordance with and for the reasons set forth in 40 CFR § 122.62 and 122.63.

6. PERMIT MODIFICATION, SUSPENSION, OR REVOCATION

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked and reissued in whole or in part during its term for causes including, but not limited to, the following:

a. violation of any terms or conditions of this permit;

b. obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;

c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or

d. a determination that the permitted discharge poses a threat to human health or welfare or to the environment and can only be regulated to acceptable levels by permit modification or termination.

7. TOXIC POLLUTANTS

If a toxic effluent standard or prohibition (including any schedule of compliance specified in such toxic effluent standard or prohibition) is established by the U.S. Environmental Protection Agency, or pursuant to Section 9-314 of the Environment Article, Annotated Code of Maryland, for a toxic pollutant which is present in the discharges authorized herein and such standard is more stringent than any limitation upon such pollutant in this permit, this permit

shall be revoked and reissued or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified. Any effluent standard established in this case for a pollutant which is injurious to human health is effective and enforceable by the time set forth in the promulgated standard, even absent permit modification.

8. OIL AND HAZARDOUS SUBSTANCES PROHIBITED

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibility, liability, or penalties to which the permittee may be subject under Section 311 of the Clean Water Act (33, U.S.C. § 1321), or under the Annotated Code of Maryland.

9. CIVIL AND CRIMINAL LIABILITY

Except as provided in permit conditions on "bypassing," "upset," and "power failure," nothing in this permit shall be construed to preclude the institution of any legal action nor relieve the permittee from civil or criminal responsibilities and/or penalties for noncompliance with Title 9 of the Environment Article, Annotated Code of Maryland or any federal, local, or other State law or regulation.

10. PROPERTY RIGHTS/COMPLIANCE WITH OTHER REQUIREMENTS

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, State or local laws or regulations.

11. SEVERABILITY

The provisions of this permit are severable. If any provisions of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this permit to any circumstances is held invalid, its application to other circumstances shall not be affected.

12. WATER CONSTRUCTION AND OBSTRUCTION

This permit does not authorize the construction or placing of physical structures, facilities, or debris, or the undertaking of related activities in any waters of the State.

13. COMPLIANCE WITH WATER POLLUTION ABATEMENT STATUTES

The permittee shall comply at all times with the provisions of the Environment Article, Title 7, Subtitle 2 and Title 9, Subtitle 3 of the Annotated Code of Maryland and the Clean Water Act, 33 U.S.C. § 1251 et seq.

14. ACTION ON VIOLATIONS

The issue or reissue of this permit does not constitute a decision by the State not to proceed in administrative, civil, or criminal action for any violations of State law or regulations occurring before the issue or reissue of this permit, nor a waiver of the State's right to do so.

15. CIVIL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed $27,500 per day for each violation.

16. CRIMINAL PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

a. any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than one (1) year, or by both.

b. any person who knowingly violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than three (3) years, or by both.

c. any person who knowingly violates Section 301, 302, 306, 307, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more $25,000 or imprisonment of not more than 15 years, or both.

d. any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than $10,000 or by imprisonment for not more than two (2) years, or by both.

17. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

18. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified as required by 40 CFR 122.22.

19. REOPENER CLAUSE FOR PERMITS

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under Sections 301, 304, and 307 of the Clean Water Act [33 USCS §§ 1311, 1314, 1317] if the effluent standard or limitation so issued or approved:

a. contains different conditions or is otherwise more stringent than any effluent limitation in this permit or

b. controls any pollutant not limited in this permit. This permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

D. AUTHORITY TO ISSUE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

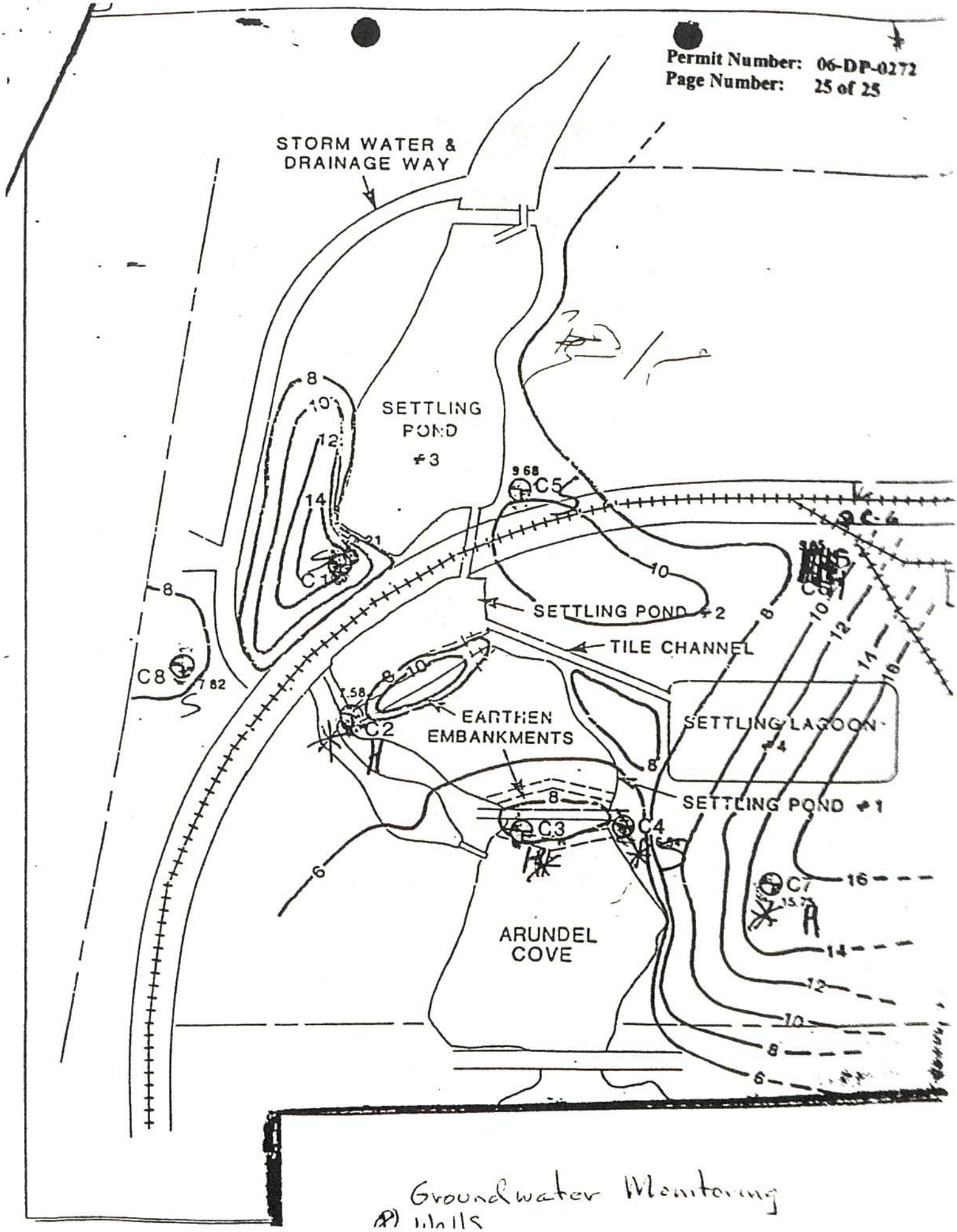
On September 5, 1974, the Administrator of the U.S. Environmental Protection Agency approved the proposal submitted by the State of Maryland for the operation of a permit program for discharges into navigable waters pursuant to Section 402 of the Clean Water Act, 33 U.S.C. Section 1342.

Pursuant to the aforementioned approval, this discharge permit is both a State of Maryland discharge permit and a NPDES permit.

This permit and the authorization to discharge shall expire at midnight on the expiration date. The permittee shall not discharge after that date unless a new application has been submitted to the Department in accordance with the renewal application provisions of this permit.

Jay G. Sakai, Director
Water Management Administration


Arundel Cove
HAWKINS
POINT
BALTIMORE
Stahl Pt
Creek
Chemetals, Inc.
Baltimore Plant
Outfall 001
PITMAN
RD
Thomas Pt
Solleys Cove



Groundwater Monitoring Wells

ATTACHMENT B

Maryland Department of Environment

Water Management Administration
Compliance Program
1800 Washington Blvd, Baltimore, MD 21230
410-537-3510

AI ID: 2824 **Inspector:** Shailaja Polasi

Site Name: **Erachem Comilog, Inc**
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226
County: Anne Arundel County

Inspection Date: June 12, 2015 **Start Date/Time:** June 12, 2015, 11:00 AM
End Date /Time: June 12, 2015, 02:00 PM

Media Type(s): NPDES Industrial Major Surface Water

Contact(s): Michael Powell- Safety and Environmental Engineer

NPDES Industrial Major Surface Water

Permit / Approval Numbers: DP- 272

Site Status: Active

Site Condition: Noncompliance

Recommended Action: Continue Routine Inspection

Inspection Reason: Initial Quarterly, Initial Yearly, Routine Scheduled

Evidence Collected:
Visual Observation

Inspection Findings:

An announced compliance evaluation inspection was performed on this date to review the Total Nitrogen (TN) annual cumulative loading calculations reported on the DMR. I met on site with Michael Powell, Safety and Environmental Engineer representing Erachem Comilog facility. After preliminary introductory meeting I began the inspection with review of the TN annual loading calculations. No site walk was performed on this date.

During the inspection

1. Mr. Powell advised the permittee has exceeded the Total Nitrogen annual cumulative loading as per the consent order.
2. Mr. Powell advised they have exceeded the TN cumulative loading in January 2015. The review of the calculations indicated the TN monthly loading is being added 2xtimes to the cumulative loading. Mr. Powell advised all the calculations are done electronically on excel spreadsheet.
3. Mr. Powell advised Bill Lee, MDE has provided the TN cumulative loading calculation formulae and advised to revise the 2014, 2015 DMRs. Mr. Powell advised he will revise 2014 DMRs and submit via netDMR.

During the inspection I reviewed the formulae used by the permittee to report the Total Nitrogen annual loading on excel spread sheet. During the inspection Mr. Powell advised the excel spread sheet was in use from longtime and he is not aware of the calculation factors used in the spreadsheet.

During the inspection Mr. Powell tried to contact Terry Lawrence, Erachem personnel on phone to discuss the formulae and the calculations used on the excel spreadsheet for TN loading calculations. During the inspection Mr. Lawrence was not available to discuss the calculations.

On this date I advised Mr. Powell to schedule a follow up inspection based on Mr. Lawrence availability to discuss the TN monthly loading calculations.

On this date I advised Mr. Powell to hold on submitting the revised DMRs until the follow-up meeting.

With respect to the above MDE NPDES Permit, violations of the Environmental Article, Title 9 were observed on this date:

1. The permittee has failed to meet the interim performance standards for Total Nitrogen annual loading as part of CO.

To bring this site into compliance with Environmental Article Title 9, the following corrective action should be made immediately upon receipt of this report.

1. Revise 2014, 2015 DMRs with TN annual loading calculations after the review of the excel spreadsheet formulae.
2. Submit a letter to the Department explaining the steps taken to meet the TN annual loading as per CO.

The above said violations of Environment Article Title 9 were observed on this date. To bring this site into compliance with Environment Article, Title 9 the facility should comply with the above said corrections immediately.

Any questions regarding this report contact Shailaja Polasi@410-537-3521.

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
1. Does the facility have a discharge permit? [Environment Article §9-323a(1-3)]	No Violations Observed	
2. Is the discharge permit current? Has facility applied for renewal? [Environment Article §9-328a(1)]	No Violations Observed	Permittee has applied for renewal
3. Is the facility as described in the current permit? Are treatment processes as described in the current permit? [COMAR 26.08.04.01.01B(4)]	Not Evaluated	
4. Has notification been submitted about any new, different or increased discharges? [40 CFR Part 122 Subpart C Section 122.42.b(1-3)]	Not Evaluated	
5. Is the number and location of discharge points as described in the discharge permit? [Environment Article §9-3314]	Not Evaluated	

Inspection Date: June 12, 2015
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
6. Has permittee submitted correct name and address of receiving waters? [40 CFR 122.21.j(3)]	Not Evaluated	
7. Is the permittee meeting the compliance schedule per permit requirements? [COMAR 26.08.04.02-1.02-1A(3)]	Not Evaluated	
8. Has the operator or superintendent been certified by the Board in the appropriate classification for the facility? [COMAR 26.06.01.05A(1)]	Not Evaluated	
9. Are adequate records being maintained for the sampling date, time, and exact location; analysis dates and times; individual performing analysis; and analytical results? [COMAR 26.08.04.03.03B(3)(a, b, c, e)]	No Violations Observed	
10. Are adequate records being maintained for the analytical methods/techniques used? [COMAR 26.08.04.03.03B(3)(d)]	No Violations Observed	
11. Does the permittee retained a minimum of 3 years worth of monitoring records including raw data and original strip chart recordings; calibration and maintenance records; and reports? [COMAR 26.08.04.03.03B(1)]	No Violations Observed	
12. Is the lab and monitoring equipment being properly calibrated and maintained? Are they keeping records to reflect this? [Environment Article §9-3313]	Not Evaluated	
13. Is laboratory controls and appropriate quality assurance procedures properly operated and maintained? [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
14. Has the permittee submitted the monitoring results on the proper Discharge Monitoring Report form? [COMAR 26.08.04.03.03C(1)]	No Violations Observed	
15. Has the permittee submitted these results within the allotted time? [COMAR 26.08.04.03.03C(2)]	No Violations Observed	
16. Are discharge monitoring reports complete and reflect permit conditions? [COMAR 26.08.04.03B(3)]	Info	See FIR
17. Is the facility being properly operated and maintained including:(a) stand-by power or equivalent provisions available, (b) adequate alarm system for power or equipment failure available, (c) all treatments units are in service, . [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
18. Is sewage sludge managed correctly per permit requirements? [COMAR 26.04.06.03.03]	Not Evaluated	

Inspection Date: June 12, 2015
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
19. Any by-pass since last inspection? Has permittee submitted notice of any by-pass? [40 CFR Part 122 Subpart C Section 122.41.m(4)(i)(C)]	Not Evaluated	
20. Any non-complying discharges experienced since last inspection? Has regulatory agency been notified? [40 CFR Part 122 Subpart C Section 122.41.l(6)]	Out of Compliance	TN yearly cumulative loading violation.
21. Have overflows occurred since the last inspection? [COMAR 26.08.10.02A]	Not Evaluated	
22. Has records of overflows been maintained at the facility for at least five years? [COMAR 26.08.10.06A-B]	Not Evaluated	
23. Are flow measuring devices properly installed and operated, calibration frequency of flow meter adequate, flow measurement equipment adequate to handle expected ranges of flow? [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
24. Are discharge monitoring points adequate for representative sampling? Do parameters and sampling frequency meet the minimum requirements? Does the permittee use the method of sample collection required by the permit? [Environment Article §9-331(4)]	Not Evaluated	
25. Are analytical testing procedures approved by EPA? If alternate analytical procedures are used, proper approval has been obtained? [COMAR 26.08.01.02B(1)]	Not Evaluated	
26. Has the permittee notified the Department of the name and address of the commercial laboratory? [COMAR 26.08.04.03.03A(3)]	Not Evaluated	
27. Were discharges observed at the authorized outfalls? Does the facility have any unauthorized discharges to waters of the State? [Environment Article §9-322]	Not Evaluated	
28. Does the discharges or receiving waters have any visible pollutants (oil sheen, grease, turbidity, foam, floating solids, color), odor, noncompliant DO concentrations, and/or noncompliant temperature ranges? [Environment Article §9-314b(1)]	Not Evaluated	
29. Were discharge samples collected? [Environment Article §9-261c(1)]	Not Evaluated	
30. Is the facility required to have a storm water pollution prevention plan? Has storm water pollution prevention plan been developed and implemented as required? Does storm water pollution prevention plan require modifications to prevent runoff of pollutants? [40 CFR Part 122 Subpart B Section 122.26.c(1)(I)(A-B)]	Not Evaluated	

Inspection Date: June 12, 2015
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
31. Are the permit conditions being met? [Environment Article §9-326a(1)]	Not Evaluated	

Inspector: _____
Shailaja Polasi/Date
410-537-3510

Received by: _____
Signature/Date

_____
Print Name

Report Provided to:
[ ] Fax
[ ] Email
[ ] Regular Mail
[ ] Certified Mail

ATTACHMENT C

Maryland Department of Environment

Water Management Administration
Compliance Program
1800 Washington Blvd, Baltimore, MD 21230
410-537-3510

AI ID: 2824 **Inspector:** Shailaja Polasi

Site Name: **Erachem Comilog, Inc**
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226
County: Anne Arundel County

Inspection Date: June 24, 2015 **Start Date/Time:** June 24, 2015, 01:00 PM
End Date /Time: June 24, 2015, 05:00 PM

Media Type(s): NPDES Industrial Major Surface Water

Contact(s): Michael Powell- Safety and Environmental Engineer, Erachem Comilog
Brian Jenkins-Engineering Manager, Erachem Comilog

NPDES Industrial Major Surface Water

Permit / Approval Numbers: DP- 272

Site Status: Active

Site Condition: Noncompliance

Recommended Action: Continue Routine Inspection

Inspection Reason: Violation Follow-up

Evidence Collected:
Visual Observation

Inspection Findings:

A follow up compliance evaluation inspection was performed on this date to review the Total Nitrogen (TN) annual loading calculations used by the permittee to report on the DMRs. I met on site with Michael Powell, Safety and Environmental Engineer and Brian Jenkins, Engineering Manager representing Erachem Comilog. After preliminary introductory meeting we began the inspection with the review of the formulae used on the excel spread sheet. No site walk through was performed on this date. The sky was sunny clear at the time of the inspection.

During the inspection Mr. Powell advised he spoke with Terri Lawrence and he advised they use the flow in g/min and convert from mg/lit to lbs/day.

Flow (g/min) X Conc (Mg/lit) X g/1000 x lb/453.59g x 3.785 l/gal x 60 min/hr x 24 hr/day =

12.016/1000 x Flow (avg eff flow/day) X Conc lb/day

Mr. Powell advised a **slight approach they use is to assume specific gravity of water is 0.9999 at room temp, and the density is 8.337 lb/gal**

Flow (g/min) x conc (ppm) x 1 lb/1,000,000 (lb) x 8.337 lb/gal x 60 min/ hr x 24 hr/day =

12.0053/1000 x Flow x Conc lb/day.

During the inspection I advised Mr. Powell

Monthly Loading rate (Pounds/month) = Total Monthly flow (MG) x Monthly Average Concentration (mg/lit) x 8.34

Year- to- date Cumulative load (pounds) = Sum of Total Monthly Loadings from January to the reporting month

Total Annual Load (in Pounds) = Year – to –date Cumulative load for month of December

Total Yearly Effluent flow = Sum of total monthly flows from January through December

During the inspection Mr. Jenkins and I verified monthly calculations using both the formulae and noted variation in loading rate. During the inspection Mr. Powell advised he would use the formulae provided by me on this date and will revise the DMRs.

On this date I advised Mr. Powell to email me total monthly flow for each month with weekly concentrations for each month of 2015(January-May). I advised Mr. Powell to revise the calculations for 2015 and email me before submitting to verify the Total Annual loading for total Nitrogen.

On this date I advised Mr. Powell I will email him the excel spread sheet with the formulae to calculate the total nitrogen annual loading.

On this date I advised Mr. Powell to hold on submitting the revised DMRs for 2015 until we compare the loadings.

With respect to the above MDE NPDES Permit, violations of the Environmental Article, Title 9 were observed on this date:

1. The permittee has failed to meet the interim performance standards for Total Nitrogen annual loading as part of CO.

To bring this site into compliance with Environmental Article Title 9, the following corrective action should be made immediately upon receipt of this report.

1. Revise 2013, 2014, 2015 DMRs with TN annual loading calculations after the review of the excel spreadsheet formulae.
2. Submit a letter to the Department explaining the steps taken to meet the TN annual loading as per CO.

The above said violations of Environment Article Title 9 were observed on this date. To bring this site into compliance with Environment Article, Title 9 the facility should comply with the above said corrections immediately.

Inspection Date: June 24, 2015
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

Any questions regarding this report contact Shailaja Polasi@410-537-3521.

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
1. Does the facility have a discharge permit? [Environment Article §9-323a(1-3)]	No Violations Observed	
2. Is the discharge permit current? Has facility applied for renewal? [Environment Article §9-328a(1)]	No Violations Observed	Permittee has applied for renewal
3. Is the facility as described in the current permit? Are treatment processes as described in the current permit? [COMAR 26.08.04.01.01B(4)]	Not Evaluated	
4. Has notification been submitted about any new, different or increased discharges? [40 CFR Part 122 Subpart C Section 122.42.b(1-3)]	Not Evaluated	
5. Is the number and location of discharge points as described in the discharge permit? [Environment Article §9-3314]	Not Evaluated	
6. Has permittee submitted correct name and address of receiving waters? [40 CFR 122.21.j(3)]	Not Evaluated	
7. Is the permittee meeting the compliance schedule per permit requirements? [COMAR 26.08.04.02-1.02-1A(3)]	Not Evaluated	
8. Has the operator or superintendent been certified by the Board in the appropriate classification for the facility? [COMAR 26.06.01.05A(1)]	Not Evaluated	
9. Are adequate records being maintained for the sampling date, time, and exact location; analysis dates and times; individual performing analysis; and analytical results? [COMAR 26.08.04.03.03B(3)(a, b, c, e)]	No Violations Observed	
10. Are adequate records being maintained for the analytical methods/techniques used? [COMAR 26.08.04.03.03B(3)(d)]	No Violations Observed	
11. Does the permittee retained a minimum of 3 years worth of monitoring records including raw data and original strip chart recordings; calibration and maintenance records; and reports? [COMAR 26.08.04.03.03B(1)]	No Violations Observed	
12. Is the lab and monitoring equipment being properly calibrated and maintained? Are they keeping records to reflect this? [Environment Article §9-3313]	Not Evaluated	

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
13. Is laboratory controls and appropriate quality assurance procedures properly operated and maintained? [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
14. Has the permittee submitted the monitoring results on the proper Discharge Monitoring Report form? [COMAR 26.08.04.03.03C(1)]	No Violations Observed	
15. Has the permittee submitted these results within the allotted time? [COMAR 26.08.04.03.03C(2)]	No Violations Observed	
16. Are discharge monitoring reports complete and reflect permit conditions? [COMAR 26.08.04.03B(3)]	Info	See FIR
17. Is the facility being properly operated and maintained including:(a) stand-by power or equivalent provisions available, (b) adequate alarm system for power or equipment failure available, (c) all treatments units are in service, . [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
18. Is sewage sludge managed correctly per permit requirements? [COMAR 26.04.06.03.03]	Not Evaluated	
19. Any by-pass since last inspection? Has permittee submitted notice of any by-pass? [40 CFR Part 122 Subpart C Section 122.41.m(4)(i)(C)]	Not Evaluated	
20. Any non-complying discharges experienced since last inspection? Has regulatory agency been notified? [40 CFR Part 122 Subpart C Section 122.41.l(6)]	Out of Compliance	TN yearly cumulative loading violation.
21. Have overflows occurred since the last inspection? [COMAR 26.08.10.02A]	Not Evaluated	
22. Has records of overflows been maintained at the facility for at least five years? [COMAR 26.08.10.06A-B]	Not Evaluated	
23. Are flow measuring devices properly installed and operated, calibration frequency of flow meter adequate, flow measurement equipment adequate to handle expected ranges of flow? [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
24. Are discharge monitoring points adequate for representative sampling? Do parameters and sampling frequency meet the minimum requirements? Does the permittee use the method of sample collection required by the permit? [Environment Article §9-331(4)]	Not Evaluated	

Inspection Date: June 24, 2015
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
25. Are analytical testing procedures approved by EPA? If alternate analytical procedures are used, proper approval has been obtained? [COMAR 26.08.01.02B(1)]	Not Evaluated	
26. Has the permittee notified the Department of the name and address of the commercial laboratory? [COMAR 26.08.04.03.03A(3)]	Not Evaluated	
27. Were discharges observed at the authorized outfalls? Does the facility have any unauthorized discharges to waters of the State? [Environment Article §9-322]	Not Evaluated	
28. Does the discharges or receiving waters have any visible pollutants (oil sheen, grease, turbidity, foam, floating solids, color), odor, noncompliant DO concentrations, and/or noncompliant temperature ranges? [Environment Article §9-314b(1)]	Not Evaluated	
29. Were discharge samples collected? [Environment Article §9-261c(1)]	Not Evaluated	
30. Is the facility required to have a storm water pollution prevention plan? Has storm water pollution prevention plan been developed and implemented as required? Does storm water pollution prevention plan require modifications to prevent runoff of pollutants? [40 CFR Part 122 Subpart B Section 122.26.c(1)(I)(A-B)]	Not Evaluated	
31. Are the permit conditions being met? [Environment Article §9-326a(1)]	Not Evaluated	

Inspector: _____
Shailaja Polasi/Date
410-537-3510

Received by: _____
Signature/Date

_____
Print Name

Report Provided to:
[ ] Fax _____
[ ] Email _____
[ ] Regular Mail _____
[ ] Certified Mail _____

ATTACHMENT D

Maryland Department of Environment

Water Management Administration
Compliance Program
1800 Washington Blvd, Baltimore, MD 21230
410-537-3510

MDE

AI ID:	2824	**Inspector:**	Shailaja Polasi
Site Name:	**Erachem Comilog, Inc**		
Facility Address:	610 Pittman Rd. Curtis Bay, MD 21226		
County:	Anne Arundel County		
Inspection Date:	February 3, 2016	**Start Date/Time:**	February 3, 2016, 10:00 AM
		End Date /Time:	February 3, 2016, 01:00 PM
Media Type(s):	NPDES Industrial Major Surface Water		
Contact(s):	Michael Powell- Safety and Environmental Engineer Brain Jenkins- Engineering Manager		

NPDES Industrial Major Surface Water

Permit / Approval Numbers: DP-0272

Site Status: Active

Site Condition: Noncompliance

Recommended Action: Continue Routine Inspection

Inspection Reason: Initial Quarterly, Initial Yearly, Routine Scheduled

Evidence Collected:
Photos/Videos Taken, Visual Observation

Inspection Findings:
An announced compliance evaluation inspection was performed on this date at the above facility. I met on site with Michael Powell, Safety and Environmental Engineer and Brian Jenkins, Engineering Manager representing Erachem Comilog Inc. After preliminary introductory meeting I began the inspection discussing the operations at denitrification plant and later performed site walk of the facility. The sky was cloudy at the time of the inspection.

On this date Mr. Powell advised the facility is in Consent agreement (CO-14-1986) with the Department for failure to meet the Total Nitrogen annual loading rate. The Consent agreement was effective from September 11th 2013. Mr. Powell advised as part of the Consent agreement the permittee has submitted a plan to the Department which includes steps taken to meet the permitted Total Nitrogen annual loading rate limit. Mr. Powell advised the plan included construction of denitrification plant to treat the wastewater from the Nitrate Plant before discharging to the Industrial Wastewater treatment plant onsite.

On this date Mr. Powell and Mr. Jenkins advised as per the plan submitted to the Department the facility has completed the construction of the denitrification treatment plant in September 2015. Mr. Jenkins advised the denitrification plant was in testing phase of operation from

September 2015 to mid October 2015 and after the testing phase the denitrification plant was online. Mr. Powell advised a letter was sent to the Department dated December 22nd 2015 providing the status of denitrification plant.

On this date Mr. Jenkins advised as per the plan submitted to the Department after the start up of the denitrification plant the permittee should meet the goals as follows

1. October 30th 2015- January 1st 2016- The wastewater treatment process should be capable to meet the Total Nitrogen annual loading rate of 70,000lb/year.
2. January 1st –March 4th- The wastewater treatment process should be capable to meet the Total Nitrogen annual loading rate of 35,000 lbs/year and
3. After March 4th 2016- The facility should meet the permitted Total Nitrogen annual loading rate of 13,800 lbs/year.

On this date Mr. Jenkins advised most of the wastewater from the Nitrate plant is recycled back to the Nitrate plant. Mr. Jenkins advised the treatment process includes the gangue slurry from the nitrate plant is filtered, filtered wastewater (nitrate concentrated wastewater) is put back in the Nitrate plant and the condensate from the denitrification plant is pumped to the onsite Industrial wastewater treatment plant.

During the inspection Mr. Powell advised after the startup of denitrification plant the Total Nitrogen monthly loading in October 2015 was 8,853 lbs/year; November was 17,453 lbs/month; December 2015 was 6,971 lbs/month and January 2016 was 2,373 lbs/month.

During the inspection Erachem Comilog personnel identified incorrect nitrate concentration was used to calculate Total Nitrogen annual loading concentration for November 2015. Mr. Powell advised the Total Nitrogen annual loading was over reported for November 2015. Mr. Powell advised as per lab analysis sheets the nitrate concentration for November 2015 was 32 mg/lit and the calculated Total Nitrogen included nitrate concentration as 890 mg/lit. On this date I advised Mr. Powell to resubmit the November 2015 and December 2015 DMR.

During the inspection I performed a site walk of the facility. Mr. Powell accompanied me during the site walk. I observed-

1. Hydraulic pump stored on the pallet near west side of the property along the fence exposed to storm water. Mr. Powell advised the fluids are drained off the hydraulic pump. I advised the pump should be covered or disposed off properly to prevent storm water contamination.
2. Unused and used wooden pallets are stored on the southwest side of the property near the gangue ore storage area.
3. Scrap metal from the machinery are stored near the west side of the property near the gangue ore. The scrap metal is stored on the paved surface. The unused machinery should be disposed off and the rest of the equipment should be kept covered.
4. Mr. Powell advised the contractors have trailers staged near southwest side of the property. On this date I observed pipes, hoses, spare parts are stored on wooden pallets near the contractor trailers. Mr. Powell advised all the spare parts, hoses etc near the trailers belong to the contractors. Pictures were taken.
5. The denitrification treatment plant is completely inside the building. The filter gangue is dropped to a containment bay where it is moved by a loader for outdoor storage prior to truck loading. Pictures were taken.
6. Mr. Powell advised contractor accidentally cleared vegetation along the northwest side of the property close to the storm water swale. Approx. 100-150 ft vegetation was

cleared. Mr. Powell advised the permittee plan to add stone along the cleared area for stabilization and will built storm water swale. Pictures were taken. Mr. Powell advised as per Tammy Roberson, MDE personnel advise this incident will be documented on the facility Storm Water Pollution Prevention Plan audit for 4th quarter 2015.

During the inspection Mr. Powell advised as part of the facility internal audit program for Storm Water Management (5S program) they have identified the primary concerned areas for storm water contamination and the areas will be audited monthly as per Storm Water Management program. Mr. Powell advised as part of 5S internal program the staging area along the south west side of the property will be cleaned monthly, recycling metal dumpsters and trash dumpsters will be cleaned periodically.

No DMRs, MORs or lab sheets were not reviewed on this date. The Storm Water Pollution Prevention Plan was not reviewed on this date.

With respect to the above MDE NPDES Permit, violations of the Environmental Article, Title 9 were observed on this date:

The permittee failed to meet the Total Nitrogen annual loading rate as per the Consent Agreement.

To bring this site into compliance with Environmental Article Title 9, the following corrective action should be made immediately upon receipt of this report.

1. Resubmit the November 2015 and December 2015 DMRs via netDMR.
2. The hydraulic pump on the wooden pallet near the west side of should be removed or kept covered to prevent storm water contamination.
3. The scrap metal should be disposed off or should be kept covered near the southwest side of the property.
4. The vegetation cleared along the northwest side of the storm water swale area should be stabilized.

The above said violations of Environment Article Title 9 were observed on this date. To bring this site into compliance with Environment Article, Title 9 the facility should comply with the above said corrections immediately.

Failing to comply with permit conditions is considered as a violation of Maryland Environmental Article Title 9. Violations of Title subject responsible parties to possible enforcement and/or penalty action as allowed by State Law.

A follow up inspection will be scheduled on later date. Any questions regarding the report contact Shailaja Polasi @ 410-537-3521.

NPDES Industrial Major Surface Water- Inspection Checklist

Inspection Item	*Status*	*Comments*
1. Does the facility have a discharge permit? [Environment Article §9-323a(1-3)]	No Violations Observed	
2. Is the discharge permit current? Has facility applied for renewal? [Environment Article §9-328a(1)]	Not Evaluated	

Inspection Date February 3, 2016
Site Name Erachem Comilog, Inc
Facility Address 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water- Inspection Checklist

Inspection Item	*Status*	*Comments*
3. Is the facility as described in the current permit? Are treatment processes as described in the current permit? [COMAR 26.08.04.01.01B(4)]	No Violations Observed	
4. Has notification been submitted about any new, different or increased discharges? [40 CFR Part 122 Subpart C Section 122.42.b(1-3)]	No Violations Observed	
5. Is the number and location of discharge points as described in the discharge permit? [Environment Article §9-3314]	No Violations Observed	
6. Has permittee submitted correct name and address of receiving waters? [40 CFR 122.21.j(3)]	No Violations Observed	
7. Is the permittee meeting the compliance schedule per permit requirements? [COMAR 26.08.04.02-1.02-1A(3)]	Not Evaluated	
8. Has the operator or superintendent been certified by the Board in the appropriate classification for the facility? [COMAR 26.06.01.05A(1)]	Not Evaluated	
9. Are adequate records being maintained for the sampling date, time, and exact location; analysis dates and times; individual performing analysis; and analytical results? [COMAR 26.08.04.03.03B(3)(a, b, c, e)]	Not Evaluated	
10. Are adequate records being maintained for the analytical methods/techniques used? [COMAR 26.08.04.03.03B(3)(d)]	Not Evaluated	
11. Does the permittee retained a minimum of 3 years worth of monitoring records including raw data and original strip chart recordings; calibration and maintenance records; and reports? [COMAR 26.08.04.03.03B(1)]	Not Evaluated	
12. Is the lab and monitoring equipment being properly calibrated and maintained? Are they keeping records to reflect this? [Environment Article §9-3313]	Not Evaluated	
13. Is laboratory controls and appropriate quality assurance procedures properly operated and maintained? [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
14. Has the permittee submitted the monitoring results on the proper Discharge Monitoring Report form? [COMAR 26.08.04.03.03C(1)]	Not Evaluated	
15. Has the permittee submitted these results within the allotted time? [COMAR 26.08.04.03.03C(2)]	No Violations Observed	Permittee submitting net DMRs
16. Are discharge monitoring reports complete and reflect permit conditions? [COMAR 26.08.04.03B(3)]	No Violations Observed	

Inspection Date: February 3, 2016
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water- Inspection Checklist

Inspection Item	*Status*	*Comments*
17. Is the facility being properly operated and maintained including:(a) stand-by power or equivalent provisions available, (b) adequate alarm system for power or equipment failure available, (c) all treatments units are in service, . [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
18. Is sewage sludge managed correctly per permit requirements? [COMAR 26.04.06.03.03]	No Violations Observed	
19. Any by-pass since last inspection? Has permittee submitted notice of any by-pass? [40 CFR Part 122 Subpart C Section 122.41.m(4)(i)(C)]	Not Evaluated	
20. Any non-complying discharges experienced since last inspection? Has regulatory agency been notified? [40 CFR Part 122 Subpart C Section 122.41.l(6)]	Out of Compliance	TN annual loading violation
21. Have overflows occurred since the last inspection? [COMAR 26.08.10.02A]	Not Evaluated	
22. Has records of overflows been maintained at the facility for at least five years? [COMAR 26.08.10.06A-B]	Not Evaluated	
23. Are flow measuring devices properly installed and operated, calibration frequency of flow meter adequate, flow measurement equipment adequate to handle expected ranges of flow? [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
24. Are discharge monitoring points adequate for representative sampling? Do parameters and sampling frequency meet the minimum requirements? Does the permittee use the method of sample collection required by the permit? [Environment Article §9-331(4)]	Not Evaluated	
25. Are analytical testing procedures approved by EPA? If alternate analytical procedures are used, proper approval has been obtained? [COMAR 26.08.01.02B(1)]	Not Evaluated	
26. Has the permittee notified the Department of the name and address of the commercial laboratory? [COMAR 26.08.04.03.03A(3)]	Not Evaluated	
27. Were discharges observed at the authorized outfalls? Does the facility have any unauthorized discharges to waters of the State? [Environment Article §9-322]	Not Evaluated	
28. Does the discharges or receiving waters have any visible pollutants (oil sheen, grease, turbidity, foam, floating solids, color), odor, noncompliant DO concentrations, and/or noncompliant temperature ranges? [Environment Article §9-314b(1)]	Not Evaluated	

Inspection Date February 3, 2016
Site Name Erachem Comilog, Inc
Facility Address 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water- Inspection Checklist

Inspection Item	*Status*	*Comments*
29. Were discharge samples collected? [Environment Article §9-261c(1)]	Not Evaluated	
30. Is the facility required to have a storm water pollution prevention plan? Has storm water pollution prevention plan been developed and implemented as required? Does storm water pollution prevention plan require modifications to prevent runoff of pollutants? [40 CFR Part 122 Subpart B Section 122.26.c(1)(I)(A-B)]	Not Evaluated	
31. Are the permit conditions being met? [Environment Article §9-326a(1)]	Out of Compliance	See FIR.

Inspector: Shailaja Polasi
Shailaja Polasi/Date
410-537-3510
Shailaja Polasi

Received by: _____
Signature/Date

_____
Print Name

Report Provided by:
[ ] Fax
[ ] Email
[ ] Regular Mail
[ ] Certified Mail

ATTACHMENT E

Maryland Department of Environment

Water Management Administration
Compliance Program
1800 Washington Blvd, Baltimore, MD 21230
410-537-3510

Field Inspection Report by: Shailaja Polasi

Media Type(s): NPDES Industrial Major Surface Water

Inspection Date: July 1, 2014

Site Name: Erachem Comilog, Inc

Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

County: Anne Arundel County

NPDES Industrial Major Surface Water

Permit / Approval Numbers: DP-0272

Site Status: Active

Site Condition: Noncompliance

Contact(s): Hector. E. Rojas- Process and Environmental Engineer Manager
Michael Powell- Safety and Environmental Engineer

Recommended Action: Continue Routine Investigation

Inspection Reason: Initial Quarterly, Initial Yearly, Routine Scheduled

Evidence Collected:
Photos/Videos Taken, Visual Observation

Inspection Samples

Parameter	Result	Units	Method	Location	Date	Taken by
pH	7.5	standard units	Grab Sampling	OF-001(Process Control bldg)	2014-07-01 11:50:00	Shailaja Polasi

Inspection Findings:

Erachem Comilog is a Manganese Ore refining facility located off Pittman Rd, in Anne Arundel County, Baltimore, Maryland, situated on a peninsula. The area is bounded on the east and north side by Patapsco River and on the west side by Curtis creek. Production and processing are mainly congregated along south western side of the property. Ore and the gangue storage primarily take place on the south western side of the facility; this area includes outdoor miscellaneous storage yards. The facility has 3 storage lagoons located towards north and north eastern side of the site.

The plant operates 3 outfalls-

Outfall 001 - The facility discharges a combination of treated process water, non contact cooling water and storm water to Curtis Creek via underground piping and a high velocity, single port diffuser located in Curtis Creek.

Outfall 002 - The facility discharges only storm water to Curtis Creek via a county storm water collection system.

Outfall 003 - The facility in rare occasion discharges storm water to Arundel cove after serial of Storm Water Management Lagoons. The storm water from the facility drains to settling lagoons where most is captured or is discharged via out fall 003.

Inspection Description:

An announced compliance evaluation inspection was performed on this day. I met on site with Hector Rojas-Process and Environmental Engineer and Michael Powell-Safety and Environmental Engineer representing Erachem Comilog. After the preliminary introductory meeting I began the inspection with the walk through of the plant, review of the wastewater treatment process and later review of the records. Mr. Rojas and Mr. Powell accompanied me during the site walk through of the inspection. The sky was sunny clear at the time of the inspection.

During the site walk through I observed the used oil storage and collection area near the rail tracks on the south side of the property. The used oil is hauled by a private contractor on as needed basis. The storm water in the No.2 fuel oil tank area is collected in a pit and is drained to drums and stored in hazardous waste storage area. The gasoline tank is stored on containment. All the storm water in the south side of the property drains to the county storm water collection system. The storm drainage system includes office buildings, warehouses, and south portions of the ore and gangue storage areas.

During the site walk through I observed the silt fence around the perimeter of the ore storage area and jersey barriers along the perimeter of the property near the ore storage area. The Ore is stored onsite and is separated into different piles based on the quality and is stored on the ground. During the inspection I observed the piles of ore rejects stored adjacent to the Ore piles. The ore rejects or waste product has been stored on site from years. I observed vegetation growth on the piles. Pictures are taken at the time of inspection and are included in the report.

The following were noted during the site walk of the facility-

1. Old metal equipment is stored on wooden pallets. Mr. Rojas advised the equipment can be reused and south side of the property is used as staging area to store unused or used machinery equipment.
2. Sediments were noted in the #2 fuel oil and used oil dike. The sediments should be cleaned to prevent periodically. Pictures were taken.
3. Sediments and trash was observed in the storm drain along the south side of the property close to the fence. I advised Mr. Rojas and Mr. Powell to clean the trash, sediments and add new stones in the storm swale. Pictures were taken at the time of the inspection.
4. Used tires were disposed/staged along the south side of the property.
5. Manganese dioxide is stored in drums exposed to storm water in the equipment staging area on south side of the property. The Manganese dioxide should be disposed off appropriately.

During the inspection I observed the sludge from the wastewater treatment plant is stored on site and is sold as fertilizer. During the inspection I observed sediments and vegetation growth in the existing storm drain trench. During the inspection Mr. Rojas advised the facility has plans to clear the sediments and vegetation

in the storm drain trench making path for proper flow of the storm water. During the site walk through of the facility I observed water level high in the trench drains near the industrial activity area and sediments are noted in the trench drain in the industrial activity area. I advised Mr. Rojas to clean the sediments in the trench drain. Pictures are taken at the time of the inspection.

On this date I advised Mr. Rojas to add jersey barriers along the sludge disposal area close to the ore storage area. I advised Mr. Rojas to place jersey barriers along the slopes facing the storm water trench system to prevent any runoff from entering storm drain. Pictures were taken at the time of the inspection.

During the inspection Mr. Rojas advised the facility treats the waste water from the treatment process and the storm water runoff from the plant in the WWTP onsite. All the storm water and the processed waste water in the industrial and chemical activity area enters the collection system around the process area and is treated onsite. The waste water is directed to sump and is pumped to a 20,000 gallon storage tank located at the WWTP. If the pump fails or flow is greater than the pump capacity, storm water is collected along with the storm water from the process area in a 6000 gallon sump and is pumped to 410,000gallon storage tank referred as mother of all tanks (MOAT). In addition to storm water, this tank also collects blow-down from site boiler. All the water collected in these tanks is treated in the WWTP over an extended period of time and is discharged via Outfall 001.

During the inspection Mr. Rojas stated the storm water and the processed water are pumped to surge/equalization tank. Lime slurry is added to adjust the Ph in the pretreatment process. The treatment process includes Ph adjustment, Batch Reactors(where lime is added and aerated to convert manganese to manganese hydroxide and the metals are oxidized in the process which are insoluble in water), and effluent is discharged to Curtis Creek , designated as Use I waters, which are protected for water contact recreation, fishing, aquatic life and wild life.

The filter cake is dried and is passed through filter press. The cake obtained is dried and stored on site and is sold as fertilizer. During the inspection Mr. Rojas stated the Ph and turbidity are monitored continuously. If any problem is observed during the treatment process the water is pumped back to the preliminary process. During the inspection there was no effluent discharge. Grab sample was collected from final ph adjustment tank. Ph was monitored of the effluent and the result was included in the report. The ph was within the limit.

The design capacity of the treatment plant is 150 gallons/min approximately. The average flow is 70-120gallons approximately. The final effluent flow is monitored continuously via flow meter. The facility has backup generator during power failure. The treatment process is monitored continuously on computer system.

Composite samples are collected as required by permit. The facility monitors flow, Total Manganese and TSS weekly, Total Copper, Total Nickel, Ammonia once a month and Total Phosphorus and Total Nitrogen Monthly. All the samples collected are 24 hr composite samples. All the samples are analyzed at Microbac labs. The composite samples collected are time proportionate and the thermometer in the composite sampler is maintained at 2Deg C. The thermometer in the composite sampler was replaced Oct 2013.

During the inspection I conducted a record review from October 2013 thru December 2013 and January 2014 thru March 2014. The permittee has Consent Order (CO) for Total Nitrogen annual loading. The following was observed for the period of review.

1. The Total Nitrogen (TN) annual loading violation was noted in September-December 2013. The TN Annual loading calculation was attached to the December 2013 DMR.

2. The Nitrite sample collected on 10/23 (lab#13J0068) and 10/30/13(lab #13J0069) exceeded the sample holding time for analysis.
3. The Ph units are not included on the DMR template. The DMR template should be updated.
4. The TN annual loading exceeded for January –March 2014.
5. Only 10hr composite sample was collected on 1/31/2014 due to cold weather.
6. Ph excursion was noted on 1/24/14 for 1 minute.
7. The Nitrite sample collected on 1/21/14(lab#14A0110) exceeded the sample holding time.
8. The DMR template should be updated to include the sample type and frequency of analysis.
9. Total Manganese daily max concentration violation was noted in Feb 2014. The Total Mn daily max concentration was 16 mg/lit (permit limit 10mg/lit).

During the inspection Mr. Rojas advised the permittee has interim performance standards for Total Nitrogen annual loading as part of the CO. The interim annual TN loading rate is 27,600 lbs/year as per CA-14-1986. The permittee violated the interim performance standards effective September 2013.

During the inspection Mr. Powell advised the effluent diffuser pipe is inspected annually as part of storm water inspection. The diffuser was last inspected in February 2014. During the inspection I reviewed the SWPP plan. Mr. Powell provided me copy of the storm water pollution prevention plan. The P2 plan is revised each year and was last revised in Feb 2014.

On this date I advised Mr. Powell the permittee should update the storm water committee list with the current team members and date and time of the inspection should be included in the storm water comprehensive site evaluation check list.

During the inspection Mr. Rojas advised the facility has 8 ground water monitoring wells labeled C1 to C8 and are monitored annually. The monitoring wells are sampled for ph, Nitrates, Manganese, TDS, Chlorides and Sulfates.

With respect to the above MDE NPDES Permit, violations of the Environmental Article, Title 9 were observed on this date:

1. The permittee has failed to meet the interim performance standards for Total Nitrogen annual loading as part of CO.
2. The Nitrite sample was analyzed past holding time on 10/23/13, 10/30/13 and 1/21/14.

To bring this site into compliance with Environmental Article Title 9, the following corrective action should be made immediately upon receipt of this report.

1. The storm drain trenches in the industrial activity area should be cleared from sediments for easy flow of the storm water.
2. The storm water trench system close to the sludge storage area should be cleared from vegetation and sediments for easy flow of the storm water.
3. Submit a letter to the Department explaining the sludge storage pile in the ore pile storage area. The letter should explain in detail the disposal procedure and duration of sludge storage on site.
4. The final effluent ph continuous recorder should be calibrated daily. The ph probe should be calibrated in accordance to the manufacturer's requirement. The Standard operating procedure for Ph meter calibration and the manual for the meter should be maintained on site.
5. Clean the trash in the equipment staging area along the south side of the property. Permittee should label and store or stage the equipment in designated areas on wooden pallets. All the equipment should be covered to prevent storm water contamination.
6. Manganese dioxide was stored in drums should be disposed off immediately and appropriately.

7. The tires stored along the south side of the property should be disposed or staged appropriately in labeled designated area.
8. The P2 plan should be updated with the current storm water evaluation team members and the annual evaluation check list should include the date, time and initials of the person who is conducting the inspection.
9. Jersey barriers should be placed along the sludge storage pile area.
10. The DMR template should be updated with Ph units, sample collection type and frequency of analysis.

The above said violations of Environment Article Title 9 were observed on this date. To bring this site into compliance with Environment Article, Title 9 the facility should comply with the above said corrections immediately.

Failing to comply with permit conditions is considered as a violation of Maryland Environmental Article Title 9. Violations of Title subject responsible parties to possible enforcement and/or penalty action as allowed by State Law.

Any questions regarding this report contact Shailaja Polasi @410-537-3521.

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
1. Does the facility have a discharge permit? [Environment Article §9-323a(1-3)]	No Violations Observed	
2. Is the discharge permit current? Has facility applied for renewal? [Environment Article §9-328a(1)]	No Violations Observed	Working with Industrial Permits for permit renewal.
3. Is the facility as described in the current permit? Are treatment processes as described in the current permit? [COMAR 26.08.04.01.01B(4)]	No Violations Observed	
4. Has notification been submitted about any new, different or increased discharges? [40 CFR Part 122 Subpart C Section 122.42.b(1-3)]	No Violations Observed	
5. Is the number and location of discharge points as described in the discharge permit? [Environment Article §9-3314]	No Violations Observed	
6. Has permittee submitted correct name and address of receiving waters? [40 CFR 122.21.j(3)]	No Violations Observed	
7. Is the permittee meeting the compliance schedule per permit requirements? [COMAR 26.08.04.02-1.02-1A(3)]	No Violations Observed	
8. Has the operator or superintendent been certified by the Board in the appropriate classification for the facility? [COMAR 26.06.01.05A(1)]	Not Evaluated	

Inspection Date: July 1, 2014
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
9. Are adequate records being maintained for the sampling date, time, and exact location; analysis dates and times; individual performing analysis; and analytical results? [COMAR 26.08.04.03.03B(3)(a, b, c, e)]	No Violations Observed	
10. Are adequate records being maintained for the analytical methods/techniques used? [COMAR 26.08.04.03.03B(3)(d)]	No Violations Observed	
11. Does the permittee retained a minimum of 3 years worth of monitoring records including raw data and original strip chart recordings; calibration and maintenance records; and reports? [COMAR 26.08.04.03.03B(1)]	No Violations Observed	
12. Is the lab and monitoring equipment being properly calibrated and maintained? Are they keeping records to reflect this? [Environment Article §9-3313]	No Violations Observed	
13. Is laboratory controls and appropriate quality assurance procedures properly operated and maintained? [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
14. Has the permittee submitted the monitoring results on the proper Discharge Monitoring Report form? [COMAR 26.08.04.03.03C(1)]	No Violations Observed	
15. Has the permittee submitted these results within the allotted time? [COMAR 26.08.04.03.03C(2)]	Not Evaluated	
16. Are discharge monitoring reports complete and reflect permit conditions? [COMAR 26.08.04.03B(3)]	No Violations Observed	
17. Is the facility being properly operated and maintained including:(a) stand-by power or equivalent provisions available, (b) adequate alarm system for power or equipment failure available, (c) all treatments units are in service, . [40 CFR Part 122 Subpart C Section 122.41.e]	No Violations Observed	
18. Is sewage sludge managed correctly per permit requirements? [COMAR 26.04.06.03.03]	Info	Filtered sludge cake stored onsite until disposed off
19. Any by-pass since last inspection? Has permittee submitted notice of any by-pass? [40 CFR Part 122 Subpart C Section 122.41.m(4)(i)(C)]	Not Evaluated	
20. Any non-complying discharges experienced since last inspection? Has regulatory agency been notified? [40 CFR Part 122 Subpart C Section 122.41.l(6)]	Out of Compliance	Effluent violations noted.
21. Have overflows occurred since the last inspection? [COMAR 26.08.10.02A]	Not Evaluated	

Inspection Date: July 1, 2014
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water - Inspection Checklist

Inspection Item	*Status*	*Comments*
22. Has records of overflows been maintained at the facility for at least five years? [COMAR 26.08.10.06A-B]	Not Evaluated	
23. Are flow measuring devices properly installed and operated, calibration frequency of flow meter adequate, flow measurement equipment adequate to handle expected ranges of flow? [40 CFR Part 122 Subpart C Section 122.41.e]	No Violations Observed	
24. Are discharge monitoring points adequate for representative sampling? Do parameters and sampling frequency meet the minimum requirements? Does the permittee use the method of sample collection required by the permit? [Environment Article §9-331(4)]	No Violations Observed	
25. Are analytical testing procedures approved by EPA? If alternate analytical procedures are used, proper approval has been obtained? [COMAR 26.08.01.02B(1)]	No Violations Observed	
26. Has the permittee notified the Department of the name and address of the commercial laboratory? [COMAR 26.08.04.03.03A(3)]	No Violations Observed	
27. Were discharges observed at the authorized outfalls? Does the facility have any unauthorized discharges to waters of the State? [Environment Article §9-322]	Not Evaluated	No discharge at the time of inspection
28. Does the discharges or receiving waters have any visible pollutants (oil sheen, grease, turbidity, foam, floating solids, color), odor, noncompliant DO concentrations, and/or noncompliant temperature ranges? [Environment Article §9-314b(1)]	Not Evaluated	No discharge at the time of inspection
29. Were discharge samples collected? [Environment Article §9-261c(1)]	Not Evaluated	No discharge at the time of inspection
30. Is the facility required to have a storm water pollution prevention plan? Has storm water pollution prevention plan been developed and implemented as required? Does storm water pollution prevention plan require modifications to prevent runoff of pollutants? [40 CFR Part 122 Subpart B Section 122.26.c(1)(I)(A-B)]	Out of Compliance	P2 plan should be updated with Storm Water team members
31. Are the permit conditions being met? [Environment Article §9-326a(1)]	Out of Compliance	See FIR.

Inspector: _____
Shailaja Polasi/Date

Received by: _____
Signature

ATTACHMENT F

Maryland Department of Environment

Water Management Administration
Compliance Program
1800 Washington Blvd, Baltimore, MD 21230
410-537-3510

AI ID: 2824 **Inspector:** Shailaja Polasi

Site Name: **Erachem Comilog, Inc**
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226
County: Anne Arundel County

Inspection Date: September 8, 2015 **Start Date/Time:** September 8, 2015, 11:00 AM
End Date /Time: September 8, 2015, 02:00 PM

Media Type(s): NPDES Industrial Major Surface Water

Contact(s): Michael Powell- Safety and Environmental Engineer

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NPDES Industrial Major Surface Water
Permit / Approval Numbers: DP-0272

Site Status: Active

Site Condition: Noncompliance

Recommended Action: Continue Routine Inspection

Inspection Reason: Initial Quarterly, Routine Scheduled

Evidence Collected:
Photos/Videos Taken, Visual Observation

Inspection Findings:

Erachem Comilog is a Manganese Ore refining facility located off Pittman Rd, in Anne Arundel County, Baltimore, Maryland, situated on a peninsula. The area is bounded on the east and north side by Patapsco River and on the west side by Curtis creek. Production and processing are mainly congregated along south western side of the property. Ore and the gangue storage primarily take place on the south western side of the facility; this area includes outdoor miscellaneous storage yards. The facility has 3 storage lagoons located towards north and north eastern side of the site.

The plant operates 3 outfalls-

Outfall 001 - The facility discharges a combination of treated process water, non contact cooling water and storm water to Curtis Creek via underground piping and a high velocity, single port diffuser located in Curtis Creek.

Outfall 002 - The facility discharges only storm water to Curtis Creek via a county storm water collection system.

Outfall 003 - The facility in rare occasion discharges storm water to Arundel cove after serial of Storm Water Management Lagoons. The storm water from the facility drains to settling lagoons where most is captured or is discharged via out fall 003.

Inspection Date: September 8, 2015
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

Inspection Description:

An announced compliance evaluation inspection was performed on this day. I met on site with Michael Powell-Safety and Environmental Engineer representing Erachem Comilog. After the preliminary introductory meeting I began the inspection with the walk through of the plant, review of the wastewater treatment process. Mr. Powell accompanied me during the site walk through of the inspection. The sky was sunny clear at the time of the inspection.

The following was noted during the site walk of the facility-

1. Mr. Powell advised the permittee is in process of completing the construction of denitrification plant as per the Consent Order and the plant will be online for testing phase soon. Mr. Powell advised the wastewater from the nitrates plant will be treated in the denitrification plant and the treatment process is a closed loop process.
2. Traces of raw material and sludge spill were noted on the rail tracks close to the storm water swale area. Advised Mr. Powell to clean the sludge spill and sweep the rail tracks.
3. Sediments were noted in the storm water trench and erosion was noted along the slopes of the storm water trench. Advised Mr. Powell to clean the sediments and stabilize the slopes.
4. Trash and debris was noted near the storm water collection area. Unused old sump pump was noted on the metal grates near the storm water collection area. Advised Mr. Powell to clean the trash and debris from the storm water collection area.
5. No discharge was noted from the onsite WWTP. Mr. Powell advised due to high Ph in the process the wastewater is recycled in process. The thermometer in the composite sampler was replaced on 5/5/2015.
6. Manganese dioxide stored in drums is exposed to storm water in the equipment staging area on south side of the property. The Manganese dioxide should be disposed off appropriately. This was included in previous inspection report. Pictures were taken.
7. Sediments and trash was observed in the storm drain along the south side of the property close to the fence. I advised Mr. Powell to clean the trash, sediments and add new stones in the storm swale. Pictures were taken at the time of the inspection.
8. I observed the used oil storage area near the rail tracks on the south side of the property. The used oil is hauled by a private contractor on as needed basis. The storm water in the No.2 fuel oil tank area is collected in a pit and is drained to drums and stored in hazardous waste storage area. The gasoline tank is stored on containment.

During the inspection Mr. Powell advised he had revised and resubmitted the 2015 DMRs with the corrected Total Nitrogen annual loading. No changes were made to 2013 and 2014 DMRs. No records were reviewed on this date.

With respect to the above MDE NPDES Permit, violations of the Environmental Article, Title 9 were observed on this date:

1. The permittee has failed to meet the interim performance standards for Total Nitrogen annual loading as part of CO.
2. The Nitrite sample was analyzed past holding time on 10/23/13, 10/30/13 and 1/21/14.

To bring this site into compliance with Environmental Article Title 9, the following corrective action should be made immediately upon receipt of this report.

1. The storm drain trenches in the industrial activity area should be cleared from sediments for easy flow of the storm water.
2. Clean the trash in the equipment staging area along the south side of the property. Permittee should label and store or stage the equipment in designated areas on wooden pallets. All the equipment should be covered to prevent storm water contamination.
3. The storm water management controls, baseline Best Management Practices (BMPs) detailed in the P2 plan are not adequate to minimize the contamination of storm water. The P2 plan should be updated to include BMPs in the (1) material staging area along the south side of the property to minimize the contamination of the storm water and (2) BMPs should be included to maintain

frequency of cleaning the sediments in the storm water trench system, maintaining the slopes and cleaning the trash and debris from storm water swales.

The above said violations of Environment Article Title 9 were observed on this date. To bring this site into compliance with Environment Article, Title 9 the facility should comply with the above said corrections immediately.

Failing to comply with permit conditions is considered as a violation of Maryland Environmental Article Title 9. Violations of Title subject responsible parties to possible enforcement and/or penalty action as allowed by State Law.

Any questions regarding this report contact Shailaja Polasi @410-537-3521.

NPDES Industrial Major Surface Water- Inspection Checklist

Inspection Item	*Status*	*Comments*
1. Does the facility have a discharge permit? [Environment Article §9-323a(1-3)]	No Violations Observed	
2. Is the discharge permit current? Has facility applied for renewal? [Environment Article §9-328a(1)]	No Violations Observed	
3. Is the facility as described in the current permit? Are treatment processes as described in the current permit? [COMAR 26.08.04.01.01B(4)]	No Violations Observed	Building new denitrification plant
4. Has notification been submitted about any new, different or increased discharges? [40 CFR Part 122 Subpart C Section 122.42.b(1-3)]	No Violations Observed	
5. Is the number and location of discharge points as described in the discharge permit? [Environment Article §9-3314]	No Violations Observed	
6. Has permittee submitted correct name and address of receiving waters? [40 CFR 122.21.j(3)]	No Violations Observed	
7. Is the permittee meeting the compliance schedule per permit requirements? [COMAR 26.08.04.02-1.02-1A(3)]	Not Evaluated	No records reviewed
8. Has the operator or superintendent been certified by the Board in the appropriate classification for the facility? [COMAR 26.06.01.05A(1)]	Not Evaluated	
9. Are adequate records being maintained for the sampling date, time, and exact location; analysis dates and times; individual performing analysis; and analytical results? [COMAR 26.08.04.03.03B(3)(a, b, c, e)]	Not Evaluated	No records reviewed
10. Are adequate records being maintained for the analytical methods/techniques used? [COMAR 26.08.04.03.03B(3)(d)]	Not Evaluated	No records reviewed

Inspection Date: September 8, 2015
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water- Inspection Checklist

Inspection Item	*Status*	*Comments*
11. Does the permittee retained a minimum of 3 years worth of monitoring records including raw data and original strip chart recordings; calibration and maintenance records; and reports? [COMAR 26.08.04.03.03B(1)]	Not Evaluated	
12. Is the lab and monitoring equipment being properly calibrated and maintained? Are they keeping records to reflect this? [Environment Article §9-3313]	Not Evaluated	
13. Is laboratory controls and appropriate quality assurance procedures properly operated and maintained? [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
14. Has the permittee submitted the monitoring results on the proper Discharge Monitoring Report form? [COMAR 26.08.04.03.03C(1)]	Not Evaluated	
15. Has the permittee submitted these results within the allotted time? [COMAR 26.08.04.03.03C(2)]	Not Evaluated	
16. Are discharge monitoring reports complete and reflect permit conditions? [COMAR 26.08.04.03B(3)]	Not Evaluated	
17. Is the facility being properly operated and maintained including:(a) stand-by power or equivalent provisions available, (b) adequate alarm system for power or equipment failure available, (c) all treatments units are in service, . [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
18. Is sewage sludge managed correctly per permit requirements? [COMAR 26.04.06.03.03]	No Violations Observed	
19. Any by-pass since last inspection? Has permittee submitted notice of any by-pass? [40 CFR Part 122 Subpart C Section 122.41.m(4)(i)(C)]	Not Evaluated	
20. Any non-complying discharges experienced since last inspection? Has regulatory agency been notified? [40 CFR Part 122 Subpart C Section 122.41.l(6)]	Not Evaluated	
21. Have overflows occurred since the last inspection? [COMAR 26.08.10.02A]	Not Evaluated	
22. Has records of overflows been maintained at the facility for at least five years? [COMAR 26.08.10.06A-B]	Not Evaluated	

Inspection Date: September 8, 2015
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

NPDES Industrial Major Surface Water- Inspection Checklist

Inspection Item	*Status*	*Comments*
23. Are flow measuring devices properly installed and operated, calibration frequency of flow meter adequate, flow measurement equipment adequate to handle expected ranges of flow? [40 CFR Part 122 Subpart C Section 122.41.e]	Not Evaluated	
24. Are discharge monitoring points adequate for representative sampling? Do parameters and sampling frequency meet the minimum requirements? Does the permittee use the method of sample collection required by the permit? [Environment Article §9-331(4)]	No Violations Observed	
25. Are analytical testing procedures approved by EPA? If alternate analytical procedures are used, proper approval has been obtained? [COMAR 26.08.01.02B(1)]	Not Evaluated	
26. Has the permittee notified the Department of the name and address of the commercial laboratory? [COMAR 26.08.04.03.03A(3)]	Not Evaluated	
27. Were discharges observed at the authorized outfalls? Does the facility have any unauthorized discharges to waters of the State? [Environment Article §9-322]	Not Evaluated	
28. Does the discharges or receiving waters have any visible pollutants (oil sheen, grease, turbidity, foam, floating solids, color), odor, noncompliant DO concentrations, and/or noncompliant temperature ranges? [Environment Article §9-314b(1)]	Not Evaluated	
29. Were discharge samples collected? [Environment Article §9-261c(1)]	Not Evaluated	
30. Is the facility required to have a storm water pollution prevention plan? Has storm water pollution prevention plan been developed and implemented as required? Does storm water pollution prevention plan require modifications to prevent runoff of pollutants? [40 CFR Part 122 Subpart B Section 122.26.c(1)(I)(A-B)]	No Violations Observed	
31. Are the permit conditions being met? [Environment Article §9-326a(1)]	Out of Compliance	See FIR.

Inspector: Shailaja Polasi
Shailaja Polasi/Date
410-537-3510

Received by: _____
Signature/Date

_____
Print Name

Inspection Date: September 8, 2015
Site Name: Erachem Comilog, Inc
Facility Address: 610 Pittman Rd, Curtis Bay, MD 21226

Report Provided to:
| | Fax
| | Email
| | Regular Mail
| | Certified Mail

ATTACHMENT G

MDE

MARYLAND DEPARTMENT OF THE ENVIRONMENT
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Larry Hogan
Governor

Boyd Rutherford
Lieutenant Governor

Ben Grumbles
Secretary

Michael J. Powell, Ms, COHC
Safety and Environmental Engineer
Erachem Comilog
610 Pittman Road
Baltimore, MD 21226

Dear Mr. Powell,

We responded to your subject request through our email message on August 20, 2015. In our message, we stated that you should do your nutrient loading calculations based on the following steps..

The current permit requires that flow be monitored once per week and the total nitrogen (TN) determined once per week based on a 24 -hour composite sample. Thus the loading for TN should be calculated weekly, and then sum up the weekly values to determine the monthly loading. We also included the attached loading calculations.

On August 26, 2015, you replied to our email message that you are in compliance, as you are already using this method for your discharge monitoring reports' monthly calculations. Since you are in compliance, we believe that our discussion is completed on this matter.

Sincerely,

Olukayode Abiodun, Project Manager
Industrial & General Permits Division
Water Management Administration
Maryland Department of the Environment
Email: olukayode.abiodun@maryland.gov
Phone: 410-537-3619
Fax: 410-537-3163